

Calendar No. 478

103^D CONGRESS
2^D SESSION

S. 2208

To authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 20 (legislative day, JUNE 7), 1994

Mr. NUNN, from the Committee on Armed Services, reported the following original bill; which was read twice and placed on the calendar

A BILL

To authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Department of Defense
5 Authorization Act for Fiscal Year 1995”.

1 SEC. 2. TABLE OF CONTENTS.

2 The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Congressional defense committees defined.

TITLE I—PROCUREMENT

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- Sec. 102. Navy and Marine Corps.
- Sec. 103. Air Force.
- Sec. 104. Defense-wide activities.
- Sec. 105. Reserve components.
- Sec. 106. Chemical demilitarization program.

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- Sec. 111. Multiyear procurement authority for M1A2 tank upgrades.
- Sec. 112. Transfer of replacement Army tank to Marine Corps Reserve.
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- Sec. 114. Small arms industrial base.

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- Sec. 121. Nuclear aircraft carrier program.

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- Sec. 131. Settlement of claims under the C-17 aircraft program.

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- Sec. 141. Preserving the bomber industrial base.
- Sec. 142. Dual-use electric and hybrid vehicles.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

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- Sec. 201. Authorization of appropriations.
- Sec. 202. Amount for basic research and exploratory development.
- Sec. 203. Strategic environmental research and development program.

Subtitle B—Programs Requirements, Restrictions, and Limitations

- Sec. 211. Tactical antisatellite technologies program.
- Sec. 212. Transfer of MILSTAR communications satellite program.
- Sec. 213. Transfer of funds for single-stage to orbit rocket.
- Sec. 214. Limitation on dismantlement of intercontinental ballistic missiles.
- Sec. 215. Limitation on obligation of funds for seismic monitoring research.
- Sec. 216. Federally funded research and development centers.

Subtitle C—Missile Defense Programs

- Sec. 221. Compliance of ballistic missile defense systems and components with ABM treaty.
- Sec. 222. Revisions to the Missile Defense Act of 1991.
- Sec. 223. Limitation.

Subtitle D—Defense Conversion, Reinvestment, and Transition Assistance Matters

- Sec. 231. Funding of defense technology reinvestment programs for fiscal year 1995.
- Sec. 232. Financial commitment requirements for small business concerns for participation in technology reinvestment projects.
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- Sec. 234. Federal defense laboratory diversification and Navy reinvestment in the technology and industrial base.

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- Sec. 241. Cooperative research and development agreements with NATO organizations.
- Sec. 242. Defense women's health research program.
- Sec. 243. Requirement for submission of annual report of the Semiconductor Technology Council to Congress.
- Sec. 244. Report on oceanographic survey and research requirements to support littoral warfare.
- Sec. 245. LANSCE/LAMPF upgrades.
- Sec. 246. Live-fire survivability testing of F-22 aircraft.
- Sec. 247. University Research Initiative support program.
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- Sec. 249. Defense experimental program to stimulate competitive research.

TITLE III—OPERATION AND MAINTENANCE

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- Sec. 301. Operation and maintenance funding.
- Sec. 302. Working capital funds.
- Sec. 303. Armed Forces Retirement Home funding.
- Sec. 304. National Security Education Trust Fund obligations.
- Sec. 305. Transfer from National Defense Stockpile Transaction Fund.
- Sec. 306. Support for the 1995 Special Olympics World Games.

Subtitle B—Defense Business Operations Fund

- Sec. 311. Permanent authority for use of fund for managing working capital funds and certain activities.
- Sec. 312. Implementation of improvement plan.
- Sec. 313. Limitation on obligations against the capital asset fund.
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Subtitle C—Environmental Matters

- Sec. 321. Prohibition on the purchase of surety bonds and other guarantees for the Department of Defense.
- Sec. 322. Extension of prohibition on use of environmental restoration funds for payment of fines and penalties.
- Sec. 323. Participation of Indian tribes in agreements for defense environmental restoration.

**Subtitle D—Matters Relating to Department of Defense
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- Sec. 341. Change of source for performance of depot-level workloads.
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- Sec. 347. Assistance to local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
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- Sec. 349. Repeal of annual limitation on expenditures for emergency and extraordinary expenses of the Department of Defense Inspector General.
- Sec. 350. Extension of authority for program to commemorate World War II.
- Sec. 351. Extension of authority for aviation depots and naval shipyards to engage in defense-related production and services.
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TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

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- Sec. 401. End strengths for active forces.
- Sec. 402. Extension of temporary variation of end strength limitations for Marine Corps majors and lieutenant colonels.
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Subtitle B—Reserve Forces

- Sec. 411. End strengths for Selected Reserve.
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Subtitle C—Military Training Student Loads

- Sec. 421. Authorization of training student loads.

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- Sec. 441. Repeal of required reduction in recruiting personnel.

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- Sec. 501. Service on successive selection boards.
- Sec. 502. Promotion and other career management matters relating to warrant officers on active-duty lists.
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- Sec. 504. Educational requirements for appointment in reserve components in grades above first lieutenant or lieutenant (junior grade).
- Sec. 505. Limited exception from baccalaureate degree requirement for Alaska scout officers.

Subtitle B—Reserve Component Matters

- Sec. 511. Review of opportunities for ordering individual reserves to active duty with consent.
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- Sec. 521. Review of certain dismissals from the United States Military Academy.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

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- Sec. 601. Military pay raise for fiscal year 1995.

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- Sec. 611. Extension of certain bonuses for reserve forces.
- Sec. 612. Extension and modification of certain bonuses and special pay for nurse officer candidates, registered nurses, and nurse anesthetists.
- Sec. 613. Extension of authority relating to payment of other bonuses and special pays.

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- Sec. 621. Responsibility for preparation of transportation mileage tables.

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- Sec. 631. Clarification of calculation of retired pay for officers who retire in a grade lower than the grade held at retirement.
- Sec. 632. Crediting of reserve service of enlisted members for computation of retired pay.
- Sec. 633. Forfeiture of annuity or retired pay of members convicted of espionage.

Subtitle E—Defense Conversion, Reinvestment, and Transition Assistance Matters

- Sec. 641. Eligibility of members retired under temporary special retirement authority for Servicemen's Group Life Insurance.
- Sec. 642. Annual payments for members retired under Guard and Reserve Transition Initiative.
- Sec. 643. Increased eligibility and application periods for troops-to-teachers program.
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- Sec. 645. Treatment of retired and retainer pay of members of cadre of Civilian Community Corps.

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- Sec. 651. Disability coverage for officer candidates granted excess leave.
- Sec. 652. Use of morale, welfare, and recreation facilities by members of reserve components and dependents.
- Sec. 653. Special supplemental food program for Department of Defense personnel outside the United States.
- Sec. 654. Reimbursement for certain losses of household effects caused by hostile action.

TITLE VII—HEALTH CARE PROVISIONS

- Sec. 701. Revision of definition of dependents to include young people being adopted by members or former members.
- Sec. 702. Availability of dependents' dental program outside the United States.
- Sec. 703. Conditions under which medical and dental care of abused dependents is authorized.
- Sec. 704. Coordination of benefits with medicare.
- Sec. 705. Authority for reimbursement of professional license fees under resource sharing agreements.
- Sec. 706. Chiropractic health care demonstration program.
- Sec. 707. Implementation of annual health care survey requirement.

- Sec. 708. Establishment of medicare special enrollment period for certain military retirees and dependents and payment of late enrollment penalty by Department of Defense.
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TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

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- Sec. 801. Policy for merit based award of contracts and grants.
- Sec. 802. Continuation of expiring requirement for annual report on the use of competitive procedures for awarding certain contracts to colleges and universities.

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- Sec. 811. Procurement technical assistance programs.
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- Sec. 821. Use of certain funds pending submission of a national technology and industrial base periodic defense capability assessment and a periodic defense capability plan.
- Sec. 822. Delegation of industrial mobilization authority.
- Sec. 823. Permanent authority for the Department of Defense to share equitably the costs of claims under international armaments cooperative programs.
- Sec. 824. Determinations of public interest under the Buy American Act.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

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- Sec. 901. Additional Assistant Secretary of Defense.
- Sec. 902. Order of succession to Secretaries of the military departments.

Subtitle B—Commission on Roles and Missions of the Armed Forces

- Sec. 911. Review of reserve components.
- Sec. 912. Support by federally funded research and development centers.

Subtitle C—Other Matters

- Sec. 921. Composition of reserve forces policy board.
- Sec. 922. Continuation of Uniformed Services University of the Health Sciences.

- Sec. 923. Joint duty credit for certain duty performed during military operations in support of unified, combined, or United Nations military operations.

TITLE X—GENERAL PROVISIONS

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- Sec. 1001. Transfer authority.
 Sec. 1002. Emergency supplemental authorization of appropriations for fiscal year 1994.
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Subtitle B—Matters Relating to Allies and Other Nations

- Sec. 1011. Repeal of limitation on overseas military end strength.
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Subtitle C—Nonproliferation and Counterproliferation of Weapon Systems and Related Systems

- Sec. 1021. Extension and revision of nonproliferation authorities.
 Sec. 1022. Joint Committee for the Review of Counterproliferation Programs of the United States.
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Subtitle D—Peace Operations

- Sec. 1031. Reports on reforming multilateral peace operations.
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- Sec. 1041. Report on offensive biological warfare program of the States of the former Soviet Union.
 Sec. 1042. Continuation of requirements for submittal of certain reports to Congress.

Subtitle F—Acceptance of Prerelease Services of Nonviolent Offenders

- Sec. 1051. Use of inmate labor at military installations.
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Subtitle G—Other Matters

Sec. 1061. Redesignation of United States Court of Military Appeals and the Courts of Military Review.

Sec. 1062. Assistance to family members of certain POW/MIAs who remain unaccounted for.

Sec. 1063. National Guard assistance for certain youth and charitable organizations.

Sec. 1064. Defense Mapping Agency.

Sec. 1065. Transfer of naval vessels to Brazil.

Sec. 1066. Transfers of M1A1 tanks to the Marine Corps.

Sec. 1067. Limitation regarding merger of telecommunications systems.

1 **SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.**

2 For purposes of this Act, the term “congressional de-
3 fense committees” means the Committees on Armed Serv-
4 ices and the Committees on Appropriations of the Senate
5 and House of Representatives.

6 **TITLE I—PROCUREMENT**
7 **Subtitle A—Authorization of**
8 **Appropriations**

9 **SEC. 101. ARMY.**

10 Funds are hereby authorized to be appropriated for
11 fiscal year 1995 for procurement for the Army as follows:

12 (1) For aircraft, \$1,058,781,000.

13 (2) For missiles, \$723,909,000.

14 (3) For weapons and tracked combat vehicles,
15 \$1,132,886,000.

16 (4) For ammunition, \$840,361,000.

17 (5) For other procurement, \$2,677,719,000.

1 **SEC. 102. NAVY AND MARINE CORPS.**

2 (a) NAVY.—Funds are hereby authorized to be appro-
3 priated for fiscal year 1995 for procurement for the Navy
4 as follows:

5 (1) For aircraft, \$4,535,601,000.

6 (2) For weapons, including missiles and tor-
7 pedoes, \$2,428,539,000.

8 (3) For shipbuilding and conversion,
9 \$6,132,807,000.

10 (4) For other procurement, \$3,310,217,000.

11 (b) MARINE CORPS.—Funds are hereby authorized to
12 be appropriated for fiscal year 1995 for procurement for
13 the Marine Corps in the amount of \$528,857,000.

14 **SEC. 103. AIR FORCE.**

15 Funds are hereby authorized to be appropriated for
16 fiscal year 1995 for procurement for the Air Force as fol-
17 lows:

18 (1) For aircraft, \$6,602,994,000.

19 (2) For missiles, \$4,330,473,000.

20 (3) For other procurement, \$6,961,153,000.

21 **SEC. 104. DEFENSE-WIDE ACTIVITIES.**

22 Funds are hereby authorized to be appropriated for
23 fiscal year 1995 for Defense-wide procurement in the
24 amount of \$1,935,616,000.

1 **SEC. 105. RESERVE COMPONENTS.**

2 Funds are hereby authorized to be appropriated for
3 fiscal year 1995 for procurement of aircraft, vehicles, com-
4 munications equipment, and other equipment for the re-
5 serve components of the Armed Forces as follows:

6 (1) For the Army National Guard,
7 \$85,000,000.

8 (2) For the Air National Guard, \$270,000,000.

9 (3) For the Army Reserve, \$75,000,000.

10 (4) For the Naval Reserve, \$65,000,000.

11 (5) For the Air Force Reserve, \$60,000,000.

12 (6) For the Marine Corps Reserve,
13 \$45,000,000.

14 **SEC. 106. CHEMICAL DEMILITARIZATION PROGRAM.**

15 (a) AUTHORIZATION.—There is hereby authorized to
16 be appropriated for fiscal year 1995 the amount of
17 \$590,149,000 for—

18 (1) the destruction of lethal chemical agents
19 and munitions in accordance with section 1412 of
20 the Department of Defense Authorization Act, 1986
21 (50 U.S.C. 1521); and

22 (2) the destruction of chemical warfare material
23 of the United States that is not covered by section
24 1412 of such Act.

25 (b) LIMITATION.—Of the funds specified in sub-
26 section (a)—

1 (1) \$363,584,000 is for operation and mainte-
2 nance;

3 (2) \$215,265,000 is for procurement; and

4 (3) \$11,300,000 is for research and develop-
5 ment efforts in support of the nonstockpile chemical
6 weapons program.

7 (c) AUTHORITY FOR OBLIGATION OF UNAUTHORIZED
8 APPROPRIATIONS.—The Department of Defense may obli-
9 gate and expend \$25,000,000 of the funds appropriated
10 for research, development, test, and evaluation under the
11 heading “CHEMICAL AGENTS AND MUNITIONS DESTRUC-
12 TION, DEFENSE” in title VI of Public Law 103–139 (107
13 Stat. 1436) in accordance with the appropriation for such
14 funds in that Act.

15 (d) IDENTIFICATION OF FUNDS FOR PROGRAM.—
16 Section 1412(f) of the Department of Defense Authoriza-
17 tion Act, 1986 (50 U.S.C. 1521(f)) is amended by striking
18 out the last sentence and inserting in lieu thereof the fol-
19 lowing: “Funds for military construction projects nec-
20 essary to carry out this section shall be set forth in the
21 budget of the Department of Defense for any fiscal year
22 as a separate account.”.

1 **Subtitle B—Army Programs**

2 **SEC. 111. MULTIYEAR PROCUREMENT AUTHORITY FOR**
3 **M1A2 TANK UPGRADES.**

4 The Secretary of the Army may enter into multiyear
5 procurement contracts for procurement of M1A2 Abrams
6 tank upgrades in accordance with section 2306(h) of title
7 10, United States Code.

8 **SEC. 112. TRANSFER OF REPLACEMENT ARMY TANK TO MA-**
9 **RINE CORPS RESERVE.**

10 The Secretary of the Army shall transfer one M1A1
11 common tank to the Marine Corps Reserve not later than
12 the latest date on which any of the additional 24 M1A2
13 upgrades provided for under authorizations of appropria-
14 tions in this Act is accepted by the Army.

15 **SEC. 113. REPLACEMENT SURVEILLANCE SYSTEM FOR**
16 **KOREA.**

17 Funds available to the Army for procurement of OV-
18 1 aircraft that remain unobligated by reason of the early
19 retirement of OV-1 aircraft deployed in Korea may be
20 used for leasing a moving target indicator radar or an-
21 other surveillance system to replace the surveillance capa-
22 bility of such aircraft in Korea if—

23 (1) the lease provides for deployment of the sys-
24 tem within 180 days after the date of the enactment
25 of this Act;

1 (2) the Republic of Korea pays 50 percent of
2 the cost of the lease;

3 (3) the lease includes an option for the Republic
4 of Korea to purchase the leased system after the
5 joint surveillance and target attack radar surveil-
6 lance system (JSTARS) program attains initial
7 operational capability; and

8 (4) the lease expires within 180 days after the
9 date on which the JSTARS system is planned, as of
10 the date of the enactment of this Act, to attain ini-
11 tial operational capability.

12 **SEC. 114. SMALL ARMS INDUSTRIAL BASE.**

13 (a) FUNDING FOR PROCUREMENT.—Of the funds au-
14 thorized to be appropriated pursuant to section 101(3)—

15 (1) \$38,902,000 shall be available for procure-
16 ment of MK19–3 grenade machine guns;

17 (2) \$13,000,000 shall be available for procure-
18 ment of M16A2 rifles;

19 (3) \$24,016,000 shall be available for procure-
20 ment of M249 squad automatic weapons; and

21 (4) \$13,165,000 shall be available for procure-
22 ment of M4 carbines.

23 (b) MULTIYEAR CONTRACTS AUTHORIZED.—(1)
24 During fiscal year 1995, the Secretary of the Army may,
25 in accordance with section 2306(h) of title 10, United

1 States Code, enter into multiyear contracts to meet the
2 following objectives for quantities of small arms weapons
3 to be acquired for the Army:

4 (A) 21,217 MK19–3 grenade machine guns;

5 (B) 1,002,277 M16A2 rifles;

6 (C) 71,769 M249 squad automatic weapons.

7 (D) 132,510 M4 carbines.

8 (2) If the Army does not enter into contracts in fiscal
9 year 1995 that will meet all the objectives set forth in
10 paragraph (1), the Secretary shall, to the extent provided
11 for in appropriations Acts, enter into multiyear contracts
12 on or after October 1, 1995, to meet such objectives.

13 (3) Notwithstanding the first sentence of section
14 2306(h)(8) of title 10, United States Code, the period of
15 a multiyear contract entered into under this subsection
16 may not exceed 10 years.

17 (c) FOLLOW-ON WEAPONS.—The Secretary of the
18 Army shall provide for procurement of product improve-
19 ments for existing small arms weapons and may do so
20 within multiyear contracts entered into pursuant to sub-
21 section (b).

22 (d) JOINT SMALL ARMS MASTER PLAN.—(1) The
23 Secretaries of the military departments shall jointly de-
24 velop a master plan for meeting the immediate and future
25 needs of the Armed Forces for small arms. The Secretary

1 of the Army shall coordinate the development of the joint
2 small arms master plan. The joint small arms master plan
3 shall include—

4 (A) an examination of the relative advantages
5 and disadvantages of improving existing small arms
6 weapons as compared to investing in new, advanced
7 technology weapons; and

8 (B) an analysis of the effects of each such ap-
9 proach on the small arms industrial base.

10 (2) Not later than April 1, 1995, the Under Secretary
11 of Defense for Acquisition and Technology shall—

12 (A) review the joint small arms master plan
13 and the results of the examination of relative advan-
14 tages and disadvantages of the two courses of action
15 described in paragraph (1); and

16 (B) transmit the plan, together with any com-
17 ments that the Under Secretary considers appro-
18 priate, to the congressional defense committees.

19 (e) FUNDING FOR RDT&E.—Of the funds authorized
20 to be appropriated under section 201(1)—

21 (1) \$5,000,000 shall be available for the Objec-
22 tive Crew-Served Weapons System; and

23 (2) \$3,000,000 shall be available for product
24 improvements to existing small arms weapons.

1 **Subtitle C—Navy Programs**

2 **SEC. 121. NUCLEAR AIRCRAFT CARRIER PROGRAM.**

3 (a) TRANSFER OF FISCAL YEAR 1994 FUNDS.—To
4 the extent provided in appropriations Acts,
5 \$1,200,000,000 may be transferred from the National De-
6 fense Sealift Fund to the funds appropriated pursuant to
7 the authorization in section 102(a)(3).

8 (b) AVAILABILITY FOR CVN-76.—The funds trans-
9 ferred shall be available for the CVN-76 nuclear aircraft
10 carrier program.

11 (c) RELATIONSHIP TO OTHER AUTHORIZATION.—
12 The amount of the funds transferred shall be in addition
13 to the amount authorized to be appropriated in section
14 102(a)(3) of the National Defense Authorization Act for
15 Fiscal Year 1994 (Public Law 103-160; 107 Stat. 1563).

16 (d) RELATIONSHIP TO OTHER TRANSFER AUTHOR-
17 ITY.—The transfer authority in paragraph (1) is in addi-
18 tion to any other transfer authority provided in this or
19 any other Act.

20 **Subtitle D—Air Force Programs**

21 **SEC. 131. SETTLEMENT OF CLAIMS UNDER THE C-17 AIR-** 22 **CRAFT PROGRAM.**

23 (a) SUPPLEMENTAL AGREEMENTS AUTHORIZED.—
24 On or before September 30, 1995, but subject to sub-
25 section (e), the Secretary of the Air Force may enter into

1 supplemental agreements pertaining to Air Force prime
2 contract F33657-81-C-2108 and such other Air Force
3 contracts relating to the C-17 aircraft program in effect
4 on the date of enactment of this Act as the Secretary de-
5 termines appropriate—

6 (1) to settle claims and disputes arising under
7 such contracts as provided in the C-17 settlement
8 agreement letter;

9 (2) to revise the delivery schedules under such
10 contracts as provided in the C-17 settlement agree-
11 ment letter, for aircraft T-1 and P-1 through P-6;
12 and

13 (3) to revise range specifications, payload speci-
14 fications, and other specifications under such con-
15 tracts as provided in Attachment B to the C-17 set-
16 tlement agreement letter.

17 (b) FURTHER CONSIDERATION NOT REQUIRED.—
18 The supplemental agreements referred to in subsection (a)
19 may be entered into without requiring further consider-
20 ation from the contractor only to the extent provided for
21 in the C-17 settlement agreement letter.

22 (c) RELEASE OF CONTRACTOR CLAIMS REQUIRED.—
23 Each supplemental agreement referred to in subsection (a)
24 shall require the prime contractor to release and forever
25 discharge the Government from all contractual claims, de-

1 mands, requests for equitable adjustment, and any other
2 causes of action, known or unknown, that the prime con-
3 tractor may have on or before January 6, 1994 arising
4 out of the C-17 program contracts as provided in the C-
5 17 settlement agreement letter.

6 (d) CONTRACT MODIFICATIONS REGARDING CON-
7 TRACTOR COMMITMENTS.—The Secretary of the Air
8 Force shall incorporate in each appropriate C-17 contract
9 the prime contractor's commitment to extend the flight
10 test program, redesign the wing, implement Computer
11 Aided Design/Computer Aided Manufacturing System im-
12 provements, Management Information System improve-
13 ments, and Advanced Quality System improvements, im-
14 plement product improvement cost reduction projects, and
15 resolve other C-17 program issues on a nonreimbursable
16 or cost-share basis as provided in the C-17 settlement
17 agreement letter.

18 (e) NOTICE-AND-WAIT REQUIREMENT.—The Sec-
19 retary of the Air Force may not enter into a supplemental
20 agreement referred to in subsection (a) until 30 days after
21 the date on which the Secretary of Defense certifies to
22 Congress that the terms and conditions set forth in the
23 C-17 settlement agreement letter, including the settle-
24 ment of claims, are in the best interests of the Govern-
25 ment.

1 (f) CONSTRUCTION REGARDING OTHER CONTRAC-
2 TOR OBLIGATIONS.—Nothing in this section shall be con-
3 strued as relieving the contractor of any obligation pro-
4 vided for in the C-17 settlement agreement letter.

5 (g) C-17 SETTLEMENT AGREEMENT LETTER.—The
6 C-17 settlement agreement letter referred to in this sec-
7 tion is the agreement that was proposed to the prime con-
8 tractor for the C-17 aircraft program by the Under Sec-
9 retary of Defense for Acquisition and Technology by letter
10 dated January 3, 1994, and was accepted by the prime
11 contractor on January 6, 1994.

12 **Subtitle E—Other Matters**

13 **SEC. 141. PRESERVING THE BOMBER INDUSTRIAL BASE.**

14 (a) FUNDS TO PRESERVE THE BOMBER INDUSTRIAL
15 BASE.—Of the funds authorized to be appropriated under
16 section 103(1), not more than \$150,000,000 shall be
17 available only for the following purposes:

18 (1) To retain B-2 bomber production tooling in
19 ready status.

20 (2) To preserve a production capability for
21 spare parts and aircraft subsystems among lower-
22 tier vendors.

23 (3) To develop detailed production plans for a
24 derivative of the B-2 bomber that is not capable of
25 delivering nuclear weapons.

1 (4) To carry out any other program, project, or
2 activity, not prohibited by subsection (b) or (c), that
3 the Secretary determines will help to preserve the
4 bomber industrial base of the United States.

5 (b) PROHIBITION.—None of the funds made available
6 pursuant to this section may be used to procure any major
7 structural part for B-2 bomber aircraft or any other part
8 for B-2 bomber aircraft that is not a part previously ac-
9 quired or planned to be acquired for the B-2 bomber air-
10 craft under the initial or sustaining spares program.

11 (c) NO AUTHORIZATION OF ADVANCE PROCURE-
12 MENT.—Nothing in this section shall be construed as au-
13 thorizing the procurement, including long-lead procure-
14 ment, of a twenty-second B-2 bomber.

15 (d) EXEMPTION FROM LIMITATION ON TOTAL PRO-
16 GRAM COST.—Obligations of funds made available pursu-
17 ant to this section for the purposes set forth in subsection
18 (a) may not be counted for purposes of the limitation in
19 section 131(d) of the National Defense Authorization Act
20 for Fiscal Year 1994 (Public Law 103-160; 107 Stat.
21 1569).

22 **SEC. 142. DUAL-USE ELECTRIC AND HYBRID VEHICLES.**

23 (a) FUNDING.—Of the funds authorized to be appro-
24 priated by this title, \$15,000,000 shall be available for
25 procurement of electric and hybrid vehicles for military

1 uses and for commercialization of such vehicles for non-
2 military uses.

3 (b) LIMITATION.—(1) Funds made available pursu-
4 ant to subsection (a) may not be expended until the Sec-
5 retary of Defense and the Secretary of Energy enter into
6 a memorandum of understanding that specifies the re-
7 sponsibilities of each Secretary for procurement and com-
8 mercialization activities to be carried out with such funds.

9 (2) The provisions of the memorandum of under-
10 standing shall be consistent with the missions of the De-
11 partment of Defense and the Department of Energy and
12 with the goals set forth in title VI of the Energy Policy
13 Act of 1992 (Public Law 102–486; 42 U.S.C. 13271 et
14 seq.) and the amendments made to the Clean Air Act (42
15 U.S.C. 7401 et seq.) by Public Law 101–549 (commonly
16 known as the “Clean Air Act Amendments of 1990”; 104
17 Stat. 2399).

1 **TITLE II—RESEARCH, DEVELOP-**
 2 **MENT, TEST, AND EVALUA-**
 3 **TION**

4 **Subtitle A—Authorization of**
 5 **Appropriations**

6 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

7 Funds are hereby authorized to be appropriated for
 8 fiscal year 1995 for the use of the Department of Defense
 9 for research, development, test, and evaluation, as follows:

10 (1) For the Army, \$5,149,708,000.

11 (2) For the Navy, \$8,796,129,000.

12 (3) For the Air Force, \$12,329,796,000.

13 (4) For Defense-wide activities,
 14 \$9,565,299,000, of which—

15 (A) \$230,495,000 is authorized for the ac-
 16 tivities of the Director, Test and Evaluation;
 17 and

18 (B) \$12,501,000 is authorized for the Di-
 19 rector of Operational Test and Evaluation.

20 **SEC. 202. AMOUNT FOR BASIC RESEARCH AND EXPLOR-**
 21 **ATORY DEVELOPMENT.**

22 (a) FISCAL YEAR 1995.—Of the amounts authorized
 23 to be appropriated by section 201, \$4,210,356,000 shall
 24 be available for basic research and exploratory develop-
 25 ment projects.

1 (b) BASIC RESEARCH AND EXPLORATORY DEVELOP-
 2 MENT DEFINED.—For purposes of this section, the term
 3 “basic research and exploratory development” means work
 4 funded in program elements for defense research and de-
 5 velopment under Department of Defense category 6.1 or
 6 6.2.

7 **SEC. 203. STRATEGIC ENVIRONMENTAL RESEARCH AND DE-**
 8 **VELOPMENT PROGRAM.**

9 Of the amounts authorized to be appropriated by sec-
 10 tion 201, \$170,000,000 shall be available for the Strategic
 11 Environmental Research and Development Program.

12 **Subtitle B—Programs Require-**
 13 **ments, Restrictions, and Limita-**
 14 **tions**

15 **SEC. 211. TACTICAL ANTISATELLITE TECHNOLOGIES PRO-**
 16 **GRAM.**

17 (a) DEMONSTRATION AND VALIDATION ACTIVI-
 18 TIES.—Subject to subsection (e), the Secretary of Defense
 19 shall continue the demonstration and validation of kinetic
 20 energy antisatellite technologies under the tactical antisat-
 21 ellite technologies program.

22 (b) LEVEL FUNDING.—Subject to subsection (e), of
 23 the amounts authorized to be appropriated in this title,
 24 \$10,000,000 shall be available for fiscal year 1995 for en-

1 gineering development under the tactical antisatellite tech-
2 nologies program.

3 (c) REQUIREMENT OF OBLIGATION OF PRIOR YEAR
4 FUNDS.—To the extent provided in appropriations Acts,
5 the Secretary shall obligate for engineering development
6 under the tactical antisatellite technologies program all
7 funds available for fiscal year 1993 and fiscal year 1994
8 for the Kinetic Energy Antisatellite (KE-ASAT) program
9 that remain available for obligation on the date of the en-
10 actment of this Act.

11 (d) REPORT.—The Secretary shall submit to Con-
12 gress the report required by section 1363 of the National
13 Defense Authorization Act for Fiscal Year 1993 (Public
14 Law 102-484; 106 Stat. 2560).

15 (e) LIMITATION.—No funds appropriated to the De-
16 partment of Defense for fiscal year 1995 may be obligated
17 for the tactical antisatellite technologies program until the
18 Secretary of Defense certifies to Congress that there is
19 a requirement for an antisatellite program.

20 **SEC. 212. TRANSFER OF MILSTAR COMMUNICATIONS SAT-**
21 **ELLITE PROGRAM.**

22 (a) TRANSFER TO NAVY.—The Secretary of Defense
23 shall transfer responsibility for program management and
24 funding for the MILSTAR communications satellite pro-

1 gram from the Secretary of the Air Force to the Secretary
2 of the Navy before October 1, 1995.

3 (b) FUNDING IN FUTURE YEARS DEFENSE PRO-
4 GRAM.—It is the sense of Congress that the Secretary
5 should transfer from the Air Force to the Navy sufficient
6 proposed funding in the Future Years Defense Program
7 to cover all costs for the MILSTAR communications sat-
8 ellite program and related programs, projects, and activi-
9 ties.

10 (c) RELATIONSHIP TO OTHER TRANSFER AUTHOR-
11 ITY.—The transfer authority in subsection (b) is in addi-
12 tion to the transfer authority provided in section 1001.

13 **SEC. 213. TRANSFER OF FUNDS FOR SINGLE-STAGE TO**
14 **ORBIT ROCKET.**

15 The Secretary of Defense shall, to the extent provided
16 in appropriations Acts, transfer to the National Aero-
17 nautics and Space Administration the unobligated balance
18 of funds appropriated to the Department of Defense for
19 the Advanced Research Projects Agency for single-stage
20 to orbit rocket research and development.

21 **SEC. 214. LIMITATION ON DISMANTLEMENT OF INTER-**
22 **CONTINENTAL BALLISTIC MISSILES.**

23 Funds authorized to be appropriated in this Act may
24 not be obligated or expended for deactivating or disman-
25 tling United States intercontinental ballistic missiles

1 (ICBMs) of the United States below that number of such
2 missiles that is necessary to support 500 deployed inter-
3 continental ballistic missiles until 180 days after the date
4 on which the Secretary of Defense has delivered to the
5 congressional defense committees a report on the results
6 of a nuclear posture review being conducted by the Sec-
7 retary.

8 **SEC. 215. LIMITATION ON OBLIGATION OF FUNDS FOR SEIS-**
9 **MIC MONITORING RESEARCH.**

10 Funds authorized to be appropriated by this Act that
11 are made available for seismic monitoring of nuclear explo-
12 sions may not be obligated for a project unless the project
13 is authorized in a plan approved in advance by the Sec-
14 retary of Defense and the Secretary of Energy.

15 **SEC. 216. FEDERALLY FUNDED RESEARCH AND DEVELOP-**
16 **MENT CENTERS.**

17 (a) CENTERS COVERED.—Funds appropriated or
18 otherwise made available for the Department of Defense
19 for fiscal year 1995 pursuant to an authorization of appro-
20 priations in section 201 may be obligated to procure work
21 from a federally funded research and development center
22 only in the case of a center named in the report required
23 by subsection (b) and, in the case of such a center, only
24 in an amount not in excess of the amount of the proposed
25 funding level set forth for that center in such report.

1 (b) REPORT ON ALLOCATIONS FOR CENTERS.—Not
2 later than 30 days after the date of the enactment of this
3 Act, the Secretary of Defense shall submit to the congres-
4 sional defense committees a report containing—

5 (1) the name of each federally funded research
6 and development center from which work is proposed
7 to be procured for the Department of Defense for
8 fiscal year 1995; and

9 (2) for each such center, the proposed funding
10 level and the estimated personnel level for fiscal year
11 1995.

12 The total of the proposed funding levels set forth in the
13 report for all federally funded research and development
14 centers may not exceed the amount set forth in subsection
15 (d).

16 (c) LIMITATION PENDING SUBMISSION OF RE-
17 PORT.—No funds appropriated or otherwise made avail-
18 able for the Department of Defense for fiscal year 1995
19 may be obligated to obtain work from a federally funded
20 research and development center until the Secretary of
21 Defense submits the report required by subsection (b).

22 (d) FUNDING.—Of the amounts authorized to be ap-
23 propriated to the Department of Defense for research, de-
24 velopment, test, and evaluation for fiscal year 1995 pursu-
25 ant to section 201, not more than a total of

1 \$1,300,000,000 may be obligated to procure services from
2 the federally funded research and development centers
3 named in the report required by subsection (b).

4 (e) AUTHORITY TO WAIVE FUNDING LIMITATION.—
5 The Secretary of Defense may waive the limitation regard-
6 ing the maximum funding amount that applies under sub-
7 section (a) to a federally funded research and development
8 center. Whenever the Secretary proposes to make such a
9 waiver, the Secretary shall submit to the congressional de-
10 fense committees notice of the proposed waiver and the
11 reasons for the waiver. The waiver may then be made only
12 after the end of the 60-day period that begins on the date
13 on which the notice is submitted to those committees, un-
14 less the Secretary determines that it is essential to the
15 national security that funds be obligated for work at that
16 center in excess of that limitation before the end of such
17 period and notifies the congressional defense committees
18 of that determination and the reasons for the determina-
19 tion.

20 (f) UNDISTRIBUTED REDUCTION.—The total amount
21 authorized to be appropriated for research, development,
22 test, and evaluation in section 201 is hereby reduced by
23 \$52,650,000.

**Subtitle C—Missile Defense
Programs**

**SEC. 221. COMPLIANCE OF BALLISTIC MISSILE DEFENSE
SYSTEMS AND COMPONENTS WITH ABM
TREATY.**

(a) REQUIRED COMPLIANCE REVIEW FOR BRILLIANT EYES.—The Secretary of Defense shall review the space-based, midcourse missile tracking system known as Brilliant Eyes to determine whether, and under what conditions, the development, testing, and deployment of that system in conjunction with a theater ballistic missile defense system, with a limited national missile defense system, and with both such systems, would be in compliance with the ABM Treaty, including the interpretation of that treaty set forth in the enclosure to the July 13, 1993, ACDA letter.

(b) LIMITATION.—Of the funds appropriated pursuant to the authorizations of appropriations in section 201 that are made available for the Brilliant Eyes program, not more than \$50,000,000 may be obligated until the Secretary of Defense submits to the appropriate congressional committees a report on the compliance of the Brilliant Eyes program with the ABM Treaty.

(c) COMPLIANCE REVIEW FOR NAVY UPPER TIER SYSTEM.—(1) If the funds made available for fiscal year

1 1995 for the theater ballistic missile program known as
2 the “Navy Upper Tier” program pursuant to the author-
3 izations of appropriations in section 201 or otherwise ex-
4 ceed \$17,725,000, the Secretary of Defense shall review
5 the Navy Upper Tier program to determine whether the
6 development, testing, and deployment of that system
7 would be in compliance with the ABM Treaty, including
8 the interpretation of the Treaty set forth in the enclosure
9 to the July 13, 1993, ACDA letter.

10 (2) In the event a compliance review is necessary
11 under paragraph (1), not more than \$17,725,000 may be
12 obligated for the Navy Upper Tier program before the
13 date on which the Secretary submits to the appropriate
14 congressional committees a report on the compliance of
15 the Navy Upper Tier program with the ABM Treaty.

16 (d) DEFINITIONS.—In this section:

17 (1) The term “July 13, 1993, ACDA letter”
18 means the letter dated July 13, 1993, from the Act-
19 ing Director of the Arms Control and Disarmament
20 Agency to the chairman of the Committee on For-
21 eign Relations of the Senate relating to the correct
22 interpretation of the ABM Treaty and accompanied
23 by an enclosure setting forth such interpretation.

24 (2) The term “ABM Treaty” means the Treaty
25 between the United States of America and the

1 Union of Soviet Socialist Republics on the Limita-
2 tion of Anti-Ballistic Missiles, signed in Moscow on
3 May 26, 1972.

4 (3) The term “appropriate congressional com-
5 mittees” means—

6 (A) the Committee on Armed Services, the
7 Committee on Foreign Affairs, and the Com-
8 mittee on Appropriations of the House of Rep-
9 resentatives; and

10 (B) the Committee on Armed Services, the
11 Committee on Foreign Relations, and the Com-
12 mittee on Appropriations of the Senate.

13 **SEC. 222. REVISIONS TO THE MISSILE DEFENSE ACT OF**
14 **1991.**

15 The Missile Defense Act of 1991 (part C of title II
16 of Public Law 102–190; 10 U.S.C. 2431 note) is amend-
17 ed—

18 (1) by striking out sections 235, 236, and 237;

19 (2) in section 238, by inserting before the pe-
20 riod at the end of the second sentence the following:

21 “, and shall submit to the Congress additional in-
22 terim reports on the progress of such negotiations at
23 six-month intervals thereafter until such time as the
24 President notifies the congressional defense commit-

1 tees that such negotiations have been concluded or
2 terminated”; and

3 (3) by redesignating section 238, 239, and 240
4 as sections 234, 235, and 236, respectively.

5 **SEC. 223. LIMITATION.**

6 No funds appropriated pursuant to an authorization
7 of appropriations in this title or otherwise made available
8 for fiscal year 1995 for programs managed by the Ballistic
9 Missile Defense Organization may be obligated for such
10 programs until the Secretary of Defense submits to Con-
11 gress the report required by section 235(b) of the National
12 Defense Authorization Act for Fiscal Year 1994 (Public
13 Law 103–160; 107 Stat. 1598).

14 **Subtitle D—Defense Conversion,**
15 **Reinvestment, and Transition**
16 **Assistance Matters**

17 **SEC. 231. FUNDING OF DEFENSE TECHNOLOGY REINVEST-**
18 **MENT PROGRAMS FOR FISCAL YEAR 1995.**

19 (a) FUNDS AVAILABLE.—Of the amount authorized
20 to be appropriated under section 201 for Defense-wide ac-
21 tivities, \$625,000,000 shall be available for activities de-
22 scribed in the defense reinvestment program element of
23 the budget of the Department of Defense for fiscal year
24 1995.

1 (b) ALLOCATION OF FUNDS.—The funds made avail-
2 able under subsection (a) shall be allocated as follows:

3 (1) \$245,000,000 shall be available for defense
4 dual-use critical technology partnerships under sec-
5 tion 2511 of title 10, United States Code.

6 (2) \$80,000,000 shall be available for commer-
7 cial-military integration partnerships under section
8 2512 of such title.

9 (3) \$80,000,000 shall be available for defense
10 regional technology alliances under section 2513 of
11 such title.

12 (4) \$30,000,000 shall be available for defense
13 advanced manufacturing technology partnerships
14 under section 2522 of such title.

15 (5) \$50,000,000 shall be available for support
16 of manufacturing extension programs under section
17 2523 of such title.

18 (6) \$25,000,000 shall be available for defense
19 manufacturing engineering education grants under
20 section 2196 of such title.

21 (7) \$30,000,000 shall be available for the ad-
22 vanced materials synthesis and processing partner-
23 ship program.

24 (8) \$35,000,000 shall be available for the agile
25 manufacturing/enterprise integration program.

1 (9) \$40,000,000 shall be available for the mari-
 2 time technology program, as provided for in section
 3 1352(c)(2) of the National Shipbuilding and Ship-
 4 yard Conversion Act of 1993 (subtitle D of title XIII
 5 of Public Law 103–160; 107 Stat. 1809; 10 U.S.C.
 6 2501 note).

7 (10) \$10,000,000 shall be available for grants
 8 under section 2198 of title 10, United States Code,
 9 to United States institutions of higher education and
 10 other United States not-for-profit organizations to
 11 support the management training program in Japa-
 12 nese language and culture.

13 (c) AVAILABILITY OF FUNDS FOR FISCAL YEAR 1994
 14 PROJECTS.—Funds made available under subsection (a)
 15 may also be used to make awards to projects of the types
 16 that were solicited under programs referred to in sub-
 17 section (b) in fiscal year 1994.

18 **SEC. 232. FINANCIAL COMMITMENT REQUIREMENTS FOR**
 19 **SMALL BUSINESS CONCERNS FOR PARTICI-**
 20 **PATION IN TECHNOLOGY REINVESTMENT**
 21 **PROJECTS.**

22 (a) DEFENSE DUAL-USE CRITICAL TECHNOLOGY
 23 PARTNERSHIPS.—Section 2511(c) of title 10, United
 24 States Code, is amended by adding at the end the follow-
 25 ing new paragraph:

1 “(3) The Secretary shall consider a partnership pro-
2 posal submitted by a small business concern without re-
3 gard to the ability of the small business concern to imme-
4 diately meet its share of the anticipated partnership costs.
5 Upon the selection of a partnership proposal submitted by
6 a small business concern, the Secretary shall extend to the
7 small business concern a period of not less than 120 days
8 within which to arrange to meet its financial commitment
9 requirements under the partnership from sources other
10 than a person of a foreign country. If the Secretary deter-
11 mines upon the expiration of that period that the small
12 business concern will be unable to meet its share of the
13 anticipated partnership costs, the Secretary may revoke
14 the selection of the partnership proposal submitted by the
15 small business concern.”.

16 (b) COMMERCIAL-MILITARY INTEGRATION PARTNER-
17 SHIPS.—Section 2512(c)(3) of such title is amended by
18 adding at the end the following new subparagraph:

19 “(C) The Secretary shall consider a partnership pro-
20 posal submitted by a small business concern without re-
21 gard to the ability of the small business concern to imme-
22 diately meet its share of the anticipated partnership costs.
23 Upon the selection of a partnership proposal submitted by
24 a small business concern, the Secretary shall extend to the
25 small business concern a period of not less than 120 days

1 within which to arrange to meet its financial commitment
2 requirements under the partnership from sources other
3 than a person of a foreign country. If the Secretary deter-
4 mines upon the expiration of that period that the small
5 business concern will be unable to meet its share of the
6 anticipated partnership costs, the Secretary may revoke
7 the selection of the partnership proposal submitted by the
8 small business concern.”.

9 (c) REGIONAL TECHNOLOGY ALLIANCES ASSISTANCE
10 PROGRAM.—Section 2513(e) of such title is amended by
11 adding at the end the following new paragraph:

12 “(4) The Secretary shall consider a proposal for a
13 regional technology alliance that is submitted by a small
14 business concern without regard to the ability of the small
15 business concern to immediately meet its share of the an-
16 ticipated costs of the alliance. Upon the selection of a pro-
17 posal submitted by a small business concern, the Secretary
18 shall extend to the small business concern a period of not
19 less than 120 days within which to arrange to meet its
20 financial commitment requirements under the regional
21 technology alliance from sources other than a person of
22 a foreign country. If the Secretary determines upon the
23 expiration of that period that the small business concern
24 will be unable to meet its share of the anticipated costs,

1 the Secretary may revoke the selection of the proposal sub-
2 mitted by the small business concern.”.

3 (d) DEFINITION OF PERSON OF A FOREIGN COUN-
4 TRY.—Section 2491 of such title is amended by adding
5 at the end the following new paragraph:

6 “(16) The term ‘person of a foreign country’
7 has the meaning given such term in section 3502(d)
8 of the Primary Dealers Act of 1988 (22 U.S.C.
9 5342(d)).”.

10 **SEC. 233. CONDITIONS ON FUNDING OF DEFENSE TECH-**
11 **NOLOGY REINVESTMENT PROJECTS.**

12 (a) BENEFITS TO UNITED STATES ECONOMY.—In
13 providing for the establishment or financial support of
14 partnerships and other cooperative arrangements under
15 chapter 148 of title 10, United States Code, using funds
16 made available under section 231, the Secretary of De-
17 fense shall ensure that the principal economic benefits of
18 such partnerships and other arrangements accrue to the
19 economy of the United States.

20 (b) USE OF COMPETITIVE SELECTION PROCE-
21 DURES.—Funds made available under subsection (a) of
22 section 231 for defense reinvestment programs described
23 in subsection (b) of such section shall be provided only
24 to projects selected using competitive procedures pursuant
25 to a solicitation incorporating cost-sharing requirements

1 for the non-Federal Government participants in the
2 projects.

3 **SEC. 234. FEDERAL DEFENSE LABORATORY**
4 **DIVERSIFICATION AND NAVY REINVESTMENT**
5 **IN THE TECHNOLOGY AND INDUSTRIAL BASE.**

6 (a) REQUIREMENT FOR PROGRAMS.—(1) Subchapter
7 III of chapter 148 of title 10 is amended by inserting at
8 the end thereof the following:

9 **“SEC. 2519. FEDERAL DEFENSE LABORATORY DIVERSI-**
10 **FICATION PROGRAM.**

11 “(a) ESTABLISHMENT OF PROGRAM.—The Secretary
12 of Defense shall conduct a program in accordance with
13 this section for the purpose of promoting cooperation be-
14 tween Department of Defense laboratories and industry
15 on research and development of dual-use technologies in
16 order to further the national security objectives set forth
17 in section 2501(a) of this title.

18 “(b) PARTNERSHIPS.—(1) The Secretary shall pro-
19 vide for the establishment under the program of coopera-
20 tive arrangements (hereinafter in this section referred to
21 as ‘partnerships’) between a Department of Defense lab-
22 oratory and eligible firms and nonprofit research corpora-
23 tions referred to in section 2511(b) of this title. A partner-
24 ship may also include one or more additional Federal lab-
25 oratories, institutions of higher education, agencies of

1 State and local governments, and other entities, as deter-
2 mined appropriate by the Secretary.

3 “(2) For purposes of this section, a federally funded
4 research and development center shall be considered a De-
5 partment of Defense laboratory if the center is sponsored
6 by the Department of Defense.

7 “(c) ASSISTANCE AUTHORIZED.—(1) The Secretary
8 may make grants, enter into contracts, enter into coopera-
9 tive agreements and other transactions pursuant to section
10 2371 of this title, and enter into cooperative research and
11 development agreements under section 12 of the Steven-
12 son-Wydler Technology Innovation Act of 1980 (15 U.S.C.
13 3710a) in order to establish partnerships.

14 “(2) Subject subsection (d), the Secretary may pro-
15 vide a partnership with technical and other assistance in
16 order to facilitate the achievement of the purpose of this
17 section.

18 “(d) FINANCIAL COMMITMENT OF NON-FEDERAL
19 GOVERNMENT PARTICIPANTS.—(1) The Secretary shall
20 ensure that the non-Federal Government participants in
21 a partnership make a substantial contribution to the total
22 cost of partnership activities. The amount of the contribu-
23 tion shall be commensurate with the risk undertaken by
24 such participants and the potential benefits of the activi-
25 ties for such participants.

1 “(2) The regulations prescribed pursuant to section
2 2511(c)(2) of this title shall apply to in-kind contributions
3 made by non-Federal Government participants in a part-
4 nership.

5 “(e) SELECTION PROCESS.—Competitive procedures
6 shall be used in the establishment of partnerships.

7 “(f) SELECTION CRITERIA.—The criteria for the se-
8 lection of a proposed partnership for establishment under
9 this section shall include the criteria set forth in section
10 2511(f) of this title.

11 “(g) REGULATIONS.—The Secretary shall prescribe
12 regulations for the purposes of this section.

13 **“SEC. 2520. NAVY REINVESTMENT PROGRAM.**

14 “(a) ESTABLISHMENT OF PROGRAM.—The Secretary
15 of the Navy shall conduct a program in accordance with
16 this section for the purpose of promoting cooperation be-
17 tween the Department of the Navy and industry on re-
18 search and development of dual-use technologies in order
19 to further the national security objectives set forth in sec-
20 tion 2501(a) of this title.

21 “(b) PARTNERSHIPS.—The Secretary shall provide
22 for the establishment under the program of cooperative
23 arrangements (hereinafter in this section referred to as
24 ‘partnerships’) between Department of the Navy entities
25 and eligible firms and nonprofit research corporations re-

ferred to in section 2511(b) of this title. A partnership may also include one or more Federal laboratories, institutions of higher education, agencies of State and local governments, and other entities, as determined appropriate by the Secretary.

“(c) PROGRAM REQUIREMENTS AND ADMINISTRATION.—Subsections (c) through (f) of section 2519 of this title shall apply in the administration of the program.

“(d) SELECTION CRITERIA.—In addition to the selection criteria referred to in section 2519(f) of this title, the criteria for the selection of a proposed partnership for establishment under this section shall include the potential effectiveness of the partnership in the further development and application of each technology proposed to be developed by the partnership for Navy acquisition programs.

“(e) REGULATIONS.—The Secretary shall prescribe regulations for the purposes of this section.”.

(2) The table of sections at the beginning of such subchapter is amended by adding at the end the following:

“2519. Federal Defense Laboratory Diversification Program.
2520. Navy Reinvestment Program.”.

(b) CLARIFYING AMENDMENT.—Section 2491(5) of title 10, United States Code, is amended by inserting before the period at the end the following: “, and includes a federally funded research and development center sponsored by a Federal agency”.

1 (c) FUNDING.—(1) Of the amount authorized to be
 2 appropriated in section 201(4), \$56,600,000 shall be
 3 available for the Federal Defense Laboratory Diversifica-
 4 tion Program under section 2519 of title 10, as added by
 5 subsection (a)(1).

6 (2) Of the amount authorized to be appropriated in
 7 section 201(2), \$50,000,000 shall be available for the
 8 Navy Reinvestment Program under section 2520 of title
 9 10, as added by subsection (a)(1).

10 **Subtitle E—Other Matters**

11 **SEC. 241. COOPERATIVE RESEARCH AND DEVELOPMENT**

12 **AGREEMENTS WITH NATO ORGANIZATIONS.**

13 (a) APPLICABILITY OF EXISTING AUTHORITY TO
 14 NATO ORGANIZATIONS.—Section 2350a of title 10, Unit-
 15 ed States Code, is amended in subsections (a), (e)(2), and
 16 (i)(1) by inserting “or NATO organizations” after “major
 17 allies of the United States” each place it appears.

18 (b) NATO ORGANIZATION DEFINED.—Subsection (i)
 19 of such section is amended by adding at the end the follow-
 20 ing new paragraph:

21 “(4) The term ‘NATO organization’ means any
 22 North Atlantic Treaty Organization subsidiary body
 23 referred to in section 2350(2) of this title and any
 24 other organization of the North Atlantic Treaty
 25 Organization.”.

1 **SEC. 242. DEFENSE WOMEN'S HEALTH RESEARCH PRO-**
2 **GRAM.**

3 (a) CONTINUATION OF PROGRAM.—The Secretary of
4 Defense shall continue the Defense Women's Health Re-
5 search Program established in response to the enactment
6 of section 251 of the National Defense Authorization Act
7 for Fiscal Year 1994 (Public Law 103–160; 107 Stat.
8 1606).

9 (b) PARTICIPATION BY ALL MILITARY DEPART-
10 MENTS.—The Departments of the Army, Navy, and Air
11 Force shall each participate in the activities under the pro-
12 gram.

13 (c) ARMY TO BE EXECUTIVE AGENT.—The Sec-
14 retary of Defense shall designate the Secretary of the
15 Army to be the executive agent for administering the pro-
16 gram.

17 (d) PROGRAM ACTIVITIES.—The program shall in-
18 clude the following activities regarding health risks and
19 health care for women in the Armed Forces:

20 (1) The coordination and support activities de-
21 scribed in section 251 of Public Law 103–160.

22 (2) Epidemiologic research regarding women
23 deployed for military operations, including research
24 on patterns of illness and injury, environmental and
25 occupational hazards (including exposure to toxins),
26 side-effects of pharmaceuticals used by women so de-

1 ployed, psychological stress associated with military
2 training, deployment, combat and other traumatic
3 incidents, and other conditions of life, and human
4 factor research regarding women so deployed.

5 (3) Development of a data base to facilitate
6 long-term research studies on issues related to the
7 health of women in military service, and continued
8 development and support of a women's health infor-
9 mation clearinghouse to serve as an information re-
10 source for clinical, research, and policy issues affect-
11 ing women in the Armed Forces.

12 (4) Research on policies and standards issues,
13 including research supporting the development of
14 military standards related to training, operations,
15 deployment, and retention and the relationship be-
16 tween such activities and factors affecting women's
17 health.

18 (5) Research on interventions having a potential
19 for addressing conditions of military service that ad-
20 versely affect the health of women in the Armed
21 Forces.

22 (e) IMPLEMENTATION PLAN.—If, before October 1,
23 1995, the Secretary of Defense changes the implementa-
24 tion plan for the program that the Secretary submitted
25 to the Committees on Armed Services of the Senate and

1 the House of Representatives on May 2, 1994, the Sec-
2 retary shall submit the modified plan to such committees
3 before executing the changes.

4 (f) FUNDING.—Of the amount authorized to be ap-
5 propriated pursuant to section 201, \$40,000,000 shall be
6 available for the Defense Women’s Health Research Pro-
7 gram referred to in subsection (a).

8 **SEC. 243. REQUIREMENT FOR SUBMISSION OF ANNUAL RE-**
9 **PORT OF THE SEMICONDUCTOR TECH-**
10 **NOLOGY COUNCIL TO CONGRESS.**

11 Section 273(b)(2)(I) of the National Defense Author-
12 ization Act for Fiscal Years 1988 and 1989 (15 U.S.C.
13 4603) is amended by inserting “and submit to Congress
14 by March 31 of each year after “Publish”.

15 **SEC. 244. REPORT ON OCEANOGRAPHIC SURVEY AND RE-**
16 **SEARCH REQUIREMENTS TO SUPPORT LIT-**
17 **TORAL WARFARE.**

18 (a) REPORT REQUIRED.—Not later than March 1,
19 1995, the Secretary of the Navy shall submit to Congress
20 a report on the oceanographic survey and research and
21 development requirements needed to support Navy oper-
22 ations in littoral regions.

23 (b) CONTENT OF REPORT.—The report shall contain
24 the following:

1 (1) An identification of unique properties, in-
2 cluding acoustics, bathymetry, bottom type, and
3 ocean dynamics that affect shallow water operations
4 in littoral regions.

5 (2) A list of the principal littoral regions that—

6 (A) designates each region as high, me-
7 dium, or low priority based on the probable
8 need for Navy operations in such regions; and

9 (B) for each region, is annotated to iden-
10 tify—

11 (i) the date of the most recent de-
12 tailed survey; and

13 (ii) the extent to which that survey
14 provides insight into the region's properties
15 identified pursuant to paragraph (1).

16 (3) An assessment of the Navy's current and
17 projected access to each region for surveying pur-
18 poses.

19 (4) An assessment of the ability of current
20 oceanographic survey and research assets to develop
21 the information identified in paragraph (1).

22 **SEC. 245. LANSCE/LAMPF UPGRADES.**

23 Of the amounts authorized to be appropriated by sec-
24 tion 201(4), \$20,000,000 shall be available to complete
25 the Los Alamos Neutron Scattering Experiment/Los Ala-

1 mos Meson Physics Facility upgrades at the Los Alamos
2 National Laboratory, Los Alamos, New Mexico.

3 **SEC. 246. LIVE-FIRE SURVIVABILITY TESTING OF F-22 AIR-**
4 **CRAFT.**

5 (a) AUTHORITY FOR RETROACTIVE WAIVER.—The
6 Secretary of Defense may, in accordance with section
7 2366(c) of title 10, United States Code, waive for the F-
8 22 aircraft program the survivability tests required by
9 that section, notwithstanding that such program has en-
10 tered full-scale engineering development.

11 (b) REPORTING REQUIREMENT.—(1) If the Secretary
12 of Defense submits in accordance with section 2366(c)(1)
13 of title 10, United States Code, a certification that live-
14 fire testing of the F-22 aircraft would be unreasonably
15 expensive and impractical, the Secretary of Defense shall
16 require that F-22 aircraft components and subsystems be
17 made available for an alternative live-fire test program.

18 (2) The components and subsystem required by the
19 Secretary to be made available for such a program shall
20 be components that—

21 (A) could affect the survivability of the F-22
22 aircraft; and

23 (B) are sufficiently large and realistic that
24 meaningful conclusions about the survivability of F-
25 22 aircraft can be drawn from the test results.

1 (c) FUNDING.—Funds available for the F-22 aircraft
2 program may be used for carrying out any alternative live-
3 fire testing program for F-22 aircraft.

4 **SEC. 247. UNIVERSITY RESEARCH INITIATIVE SUPPORT**
5 **PROGRAM.**

6 Of the amounts authorized to be appropriated under
7 section 201, \$10,000,000 shall be available for the Univer-
8 sity Research Initiative Support Program established pur-
9 suant to section 802 of the National Defense Authoriza-
10 tion Act for Fiscal Year 1994 (Public Law 103-160; 107
11 Stat. 1701; 10 U.S.C. 2358 note).

12 **SEC. 248. MANUFACTURING SCIENCE AND TECHNOLOGY**
13 **PROGRAM.**

14 (a) PROGRAM AUTHORIZED.—(1) Section 2525 of
15 title 10, United States Code, is amended to read as fol-
16 lows:

17 **“SEC. 2525. MANUFACTURING SCIENCE AND TECHNOLOGY**
18 **PROGRAM.**

19 “(a) ESTABLISHMENT.—The Secretary of Defense
20 shall establish a Manufacturing Science and Technology
21 Program to further the national security objectives of sec-
22 tion 2501(a) of this title. The Under Secretary of Defense
23 for Acquisition and Technology shall administer the pro-
24 gram.

1 “(b) PURPOSE.—The purpose of the program is to
2 enhance the capability of industry to meet the manufac-
3 turing needs of the Department of Defense.

4 “(c) EXECUTION.—The Secretary may carry out
5 projects under the program through the Secretaries of the
6 military departments and the heads of Defense Agencies.

7 “(d) COMPETITION AND COST SHARING.—(1) Com-
8 petitive procedures shall be used for awarding all grants
9 and entering into all contracts, cooperative agreements,
10 and other transactions under the program.

11 “(2) A grant may not be awarded under the program,
12 and a contract, cooperative agreement, or other trans-
13 action may not be entered into under the program, on any
14 basis other than a cost-sharing basis unless the Secretary
15 of Defense determines that the grant, contract, coopera-
16 tive agreement, or other transaction, as the case may be,
17 is for a program that—

18 “(A) is not likely to have any immediate and di-
19 rect commercial application; or

20 “(B) is of sufficiently high risk to discourage
21 cost sharing by non-Federal Government sources.”.

22 (2) The item relating to section 2525 in the table of
23 sections at the beginning of subchapter IV of chapter 148
24 of such title is amended to read as follows:

“2525. Manufacturing Science and Technology Program.”.

1 (b) FUNDING.—Of the amounts appropriated pursu-
2 ant to section 201, not more than \$125,000,000 shall be
3 available for the Manufacturing Science and Technology
4 Program under section 2525 of title 10, United States
5 Code (as amended by subsection (a)), of which—

6 (1) not more than \$30,000,000 shall be avail-
7 able for the Army;

8 (2) not more than \$35,000,000 shall be avail-
9 able for the Navy;

10 (3) not more than \$50,000,000 shall be avail-
11 able for the Air Force; and

12 (4) not more than \$10,000,000 shall be avail-
13 able for the Defense Logistics Agency.

14 **SEC. 249. DEFENSE EXPERIMENTAL PROGRAM TO STIMU-**
15 **LATE COMPETITIVE RESEARCH.**

16 (a) PROGRAM REQUIRED.—The Secretary of De-
17 fense, acting through the Director of Defense Research
18 and Engineering, shall carry out a Defense Experimental
19 Program to Stimulate Competitive Research (DEPSCoR)
20 as part of the university research programs of the Depart-
21 ment of Defense.

22 (b) PROGRAM OBJECTIVES.—The objectives of the
23 program are as follows:

24 (1) To enhance the capabilities of institutions
25 of higher education in eligible States to develop,

1 plan, and execute science and engineering research
2 that is competitive under the peer-review systems
3 used for awarding Federal research assistance.

4 (2) To increase the probability of long-term
5 growth in the competitively awarded financial assist-
6 ance that institutions of higher education in eligible
7 States receive from the Federal Government for
8 science and engineering research.

9 (c) PROGRAM ACTIVITIES.—In order to achieve the
10 program objectives, the following activities are authorized
11 under the program:

12 (1) Competitive award of research grants.

13 (2) Competitive award of financial assistance
14 for graduate students.

15 (d) ELIGIBLE STATES.—(1) The Director of the Na-
16 tional Science Foundation shall designate which States are
17 eligible States for the purposes of this section and shall
18 notify the Director of Defense Research and Engineering
19 of the States so designated.

20 (2) The Director of the National Science Foundation
21 shall designate a State as an eligible State if, as deter-
22 mined by the Director—

23 (A) the institutional average amount of Federal
24 financial assistance for research and development re-
25 ceived by the institutions of higher education in the

1 State for the fiscal year preceding the fiscal year for
2 which the designation is effective, or for the last fis-
3 cal year for which statistics are available, is less
4 than the amount equal to 50 percent of the national
5 institutional average amount of Federal financial as-
6 sistance for research and development received by
7 the institutions of higher education in the United
8 States for such preceding or last fiscal year, as the
9 case may be;

10 (B) the State has demonstrated a commitment
11 to developing research bases in the State and to im-
12 proving science and engineering research and edu-
13 cation programs at institutions of higher education
14 in the State; and

15 (C) the State is an eligible State for purposes
16 of the Experimental Program to Stimulate Competi-
17 tive Research conducted by the National Science
18 Foundation.

19 (e) COORDINATION WITH SIMILAR FEDERAL PRO-
20 GRAMS.—(1) The Secretary shall consult with the Director
21 of the National Science Foundation and the Director of
22 the Office of Science and Technology Policy in the plan-
23 ning, development, and execution of the program and shall
24 coordinate the program with the Experimental Program
25 to Stimulate Competitive Research conducted by the Na-

1 tional Science Foundation and with similar programs
2 sponsored by other departments and agencies of the Fed-
3 eral Government.

4 (2) All solicitations under the Defense Experimental
5 Program to Stimulate Competitive Research shall be made
6 to, and all awards shall be made through, the State com-
7 mittees established for purposes of the Experimental Pro-
8 gram to Stimulate Competitive Research conducted by the
9 National Science Foundation.

10 (3) A State committee referred to in paragraph (2)
11 shall ensure that activities carried out in the State of that
12 committee under the Defense Experimental Program to
13 Stimulate Competitive Research are coordinated with the
14 activities carried out in the State under other similar ini-
15 tiatives of the Federal Government to stimulate competi-
16 tive research.

17 **TITLE III—OPERATION AND** 18 **MAINTENANCE**

19 **Subtitle A—Authorization of** 20 **Appropriations**

21 **SEC. 301. OPERATION AND MAINTENANCE FUNDING.**

22 Funds are hereby authorized to be appropriated for
23 fiscal year 1995 for the use of the Armed Forces and other
24 activities and agencies of the Department of Defense for

1 expenses, not otherwise provided for, for operation and
2 maintenance in amounts as follows:

3 (1) For the Army, \$17,542,914,000.

4 (2) For the Navy, \$21,326,470,000.

5 (3) For the Marine Corps, \$2,096,695,000.

6 (4) For the Air Force, \$18,789,023,000.

7 (5) For Defense-wide activities,
8 \$9,994,325,000.

9 (6) For Medical Programs, Defense,
10 \$9,854,459,000.

11 (7) For the Army Reserve, \$1,253,709,000.

12 (8) For the Naval Reserve, \$828,319,000.

13 (9) For the Marine Corps Reserve,
14 \$81,462,000.

15 (10) For the Air Force Reserve,
16 \$1,478,990,000.

17 (11) For the Army National Guard,
18 \$2,452,148,000.

19 (12) For the Air National Guard,
20 \$2,780,178,000.

21 (13) For the National Board for the Promotion
22 of Rifle Practice, \$2,544,000.

23 (14) For the Defense Inspector General,
24 \$140,798,000.

1 (15) For Drug Interdiction and Counter-drug
2 Activities, Defense-wide, \$714,200,000.

3 (16) For the United States Court of Appeals
4 for the Armed Services, \$6,126,000.

5 (17) For Environmental Restoration, Defense,
6 \$2,180,200,000.

7 (18) For Humanitarian Assistance,
8 \$71,900,000.

9 (19) For Former Soviet Union Threat Reduc-
10 tion, \$400,000,000.

11 (20) For the Contributions for International
12 Peacekeeping and Peace Enforcement Activities
13 Fund, \$300,000,000.

14 (21) For support for the 1996 Summer Olym-
15 pics, \$10,000,000.

16 **SEC. 302. WORKING CAPITAL FUNDS.**

17 Funds are hereby authorized to be appropriated for
18 fiscal year 1995 for the use of the Armed Forces and other
19 activities and agencies of the Department of Defense for
20 providing capital for working capital and revolving funds
21 in amounts as follows:

22 (1) For the Defense Business Operations Fund,
23 \$798,400,000.

24 (2) For the National Defense Sealift Fund,
25 \$227,800,000.

1 **SEC. 303. ARMED FORCES RETIREMENT HOME FUNDING.**

2 There is hereby authorized to be appropriated for fis-
3 cal year 1995 from the Armed Forces Retirement Home
4 Trust Fund the sum of \$59,317,000 for the operation of
5 the Armed Forces Retirement Home, including the United
6 States Soldiers' and Airmen's Home and the Naval Home.

7 **SEC. 304. NATIONAL SECURITY EDUCATION TRUST FUND**
8 **OBLIGATIONS.**

9 During fiscal year 1995, \$14,300,000 is authorized
10 to be obligated from the National Security Education
11 Trust Fund established by section 804(a) of the David L.
12 Boren National Security Education Act of 1991 (50
13 U.S.C. 1904(a)).

14 **SEC. 305. TRANSFER FROM NATIONAL DEFENSE STOCK-**
15 **PILE TRANSACTION FUND.**

16 (a) TRANSFER AUTHORITY.—To the extent provided
17 in appropriations Acts, not more than \$250,000,000 is au-
18 thorized to be transferred from the National Defense
19 Stockpile Transaction Fund to operation and maintenance
20 accounts for fiscal year 1995 in amounts as follows:

21 (1) For the Army, \$50,000,000.

22 (2) For the Navy, \$50,000,000.

23 (3) For the Air Force, \$50,000,000.

24 (4) For Defense-wide activities, \$100,000,000.

25 (b) TREATMENT OF TRANSFERS.—Amounts trans-
26 ferred under this section—

1 (1) shall be merged with, and be available for
 2 the same purposes and the same period as, the
 3 amounts in the accounts to which transferred; and

4 (2) may not be expended for an item that has
 5 been denied authorization of appropriations by Con-
 6 gress.

7 (c) RELATIONSHIP TO OTHER TRANSFER AUTHOR-
 8 ITY.—The transfer authority provided in this section is in
 9 addition to the transfer authority provided in section
 10 1001.

11 **SEC. 306. SUPPORT FOR THE 1995 SPECIAL OLYMPICS**
 12 **WORLD GAMES.**

13 (a) AUTHORITY TO PROVIDE SUPPORT.—The Sec-
 14 retary of Defense may provide logistical support and per-
 15 sonnel services in connection with the 1995 Special Olym-
 16 pics World Games to be held in New Haven, Connecticut.

17 (b) PAY AND NONTRAVEL-RELATED ALLOW-
 18 ANCES.—(1) Except as provided in paragraph (2), the
 19 costs for pay and nontravel-related allowances of members
 20 of the Armed Forces for the support and services referred
 21 to in subsection (a) may not be charged to appropriations
 22 made pursuant to the authorization of appropriations in
 23 subsection (c).

24 (2) Paragraph (1) does not apply in the case of mem-
 25 bers of a reserve component called or ordered to active

1 duty to provide logistical support and personnel services
 2 for the 1995 Special Olympics World Games.

3 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
 4 authorized to be appropriated \$3,000,000 for the Depart-
 5 ment of Defense for fiscal year 1995 to carry out sub-
 6 section (a).

7 **Subtitle B—Defense Business** 8 **Operations Fund**

9 **SEC. 311. PERMANENT AUTHORITY FOR USE OF FUND FOR** 10 **MANAGING WORKING CAPITAL FUNDS AND** 11 **CERTAIN ACTIVITIES.**

12 Section 316(a) of the National Defense Authorization
 13 Act for Fiscal Years 1992 and 1993 (10 U.S.C. 2208
 14 note) is amended by striking out “During” and all that
 15 follows through “December 31, 1994, the” and inserting
 16 in lieu thereof “The”.

17 **SEC. 312. IMPLEMENTATION OF IMPROVEMENT PLAN.**

18 (a) PROGRESS REPORT ON IMPLEMENTATION.—Not
 19 later than February 1, 1995, the Secretary of Defense
 20 shall submit to the congressional defense committees a re-
 21 port on the progress made in implementing the Defense
 22 Business Operations Fund Improvement Plan, dated Sep-
 23 tember, 1993. The report shall describe the progress made
 24 in reaching the milestones established in the plan and pro-
 25 vide an explanation for the failure to meet any of the mile-

1 stones. The Secretary shall submit a copy of the report
2 to the Comptroller General of the United States at the
3 same time the Secretary submits the report to the congres-
4 sional defense committees.

5 (b) RESPONSIBILITIES OF THE COMPTROLLER GEN-
6 ERAL.—(1) The Comptroller General shall monitor and
7 evaluate the progress of the Department of Defense in de-
8 veloping and implementing the improvement plan referred
9 to in subsection (a).

10 (2) Not later than March 1, 1995, the Comptroller
11 General shall submit to the congressional defense commit-
12 tees a report containing the following:

13 (A) The findings and conclusions of the Comp-
14 troller General resulting from the monitoring and
15 evaluation conducted under paragraph (1).

16 (B) An evaluation of the progress report sub-
17 mitted to the congressional defense committees by
18 the Secretary of Defense pursuant to subsection (a).

19 (C) Any recommendations for legislation or ad-
20 ministrative action concerning the Fund that the
21 Comptroller General considers appropriate.

22 **SEC. 313. LIMITATION ON OBLIGATIONS AGAINST THE CAP-**
23 **ITAL ASSET FUND.**

24 The Secretary of Defense may not incur obligations
25 against funds in the capital asset subaccount of the De-

1 fense Business Operations Fund during fiscal year 1995
2 in a total amount in excess of \$1,500,000.

3 **SEC. 314. LIMITATION ON OBLIGATIONS AGAINST THE SUP-**
4 **PLY MANAGEMENT DIVISIONS.**

5 (a) LIMITATION.—(1) The Secretary of Defense may
6 not incur obligations against the supply management divi-
7 sions of the Defense Business Operations Fund during fis-
8 cal year 1995 in a total amount in excess of 65 percent
9 of the total amount derived from sales from such divisions
10 during that fiscal year.

11 (2) For purposes of determining the amount of obli-
12 gations incurred against, and sales from, such divisions
13 during fiscal year 1995, the Secretary shall exclude obliga-
14 tions and sales for fuel, commissary and subsistence items,
15 retail operations, repair of equipment and spare parts in
16 support of repair, direct vendor deliveries, foreign military
17 sales, initial outfitting requiring equipment furnished by
18 the Federal Government, and the cost of operations.

19 (b) WAIVER AUTHORITY.—The Secretary of Defense
20 may waive the limitation in subsection (a) if the Secretary
21 determines that such waiver is necessary in order to main-
22 tain the readiness and combat effectiveness of the Armed
23 Forces. The Secretary shall immediately notify Congress
24 of any such waiver and the reasons for such waiver.

1 (c) DETERMINATIONS OF EFFECTS OF LIMITATION
2 ON READINESS AND COMBAT EFFECTIVENESS.—Not
3 later than 60 days after the date of the enactment of this
4 Act, the secretaries of the military departments and the
5 Director of the Defense Logistics Agency shall each sub-
6 mit to the Secretary of Defense a report containing the
7 views of such official on the effects of the limitation in
8 subsection (a) on the ability of the Department of Defense
9 to maintain the readiness and combat effectiveness of the
10 Armed Forces. If the Secretary of Defense determines,
11 after considering the reports, that the limitation will im-
12 pair the readiness and combat effectiveness of any of the
13 Armed Forces, the Secretary shall exercise the waiver au-
14 thority provided in subsection (b).

15 **Subtitle C—Environmental Matters**

16 **SEC. 321. PROHIBITION ON THE PURCHASE OF SURETY**
17 **BONDS AND OTHER GUARANTEES FOR THE**
18 **DEPARTMENT OF DEFENSE.**

19 No funds appropriated or otherwise made available
20 to the Department of Defense for fiscal year 1995 may
21 be obligated or expended for the purchase of surety bonds
22 or other guarantees of financial responsibility in order to
23 guarantee the performance of any direct function of the
24 Department of Defense.

1 **SEC. 322. EXTENSION OF PROHIBITION ON USE OF ENVI-**
 2 **RONMENTAL RESTORATION FUNDS FOR PAY-**
 3 **MENT OF FINES AND PENALTIES.**

4 None of the funds appropriated for fiscal year 1995
 5 pursuant to the authorization of appropriations provided
 6 in section 301(17) may be used for the payment of a fine
 7 or penalty imposed against the Department of Defense un-
 8 less the act or omission for which the fine or penalty is
 9 imposed arises out of activities funded by the account.

10 **SEC. 323. PARTICIPATION OF INDIAN TRIBES IN AGREE-**
 11 **MENTS FOR DEFENSE ENVIRONMENTAL RES-**
 12 **TORATION.**

13 Section 2701(d) of title 10, United States Code, is
 14 amended—

15 (1) by striking out “SERVICE OF OTHER AGEN-
 16 CIES.—The Secretary” and inserting in lieu thereof
 17 the following: “SERVICE OF OTHER AGENCIES.—

18 “(1) IN GENERAL.—The Secretary”;

19 (2) in paragraph (1), as so designated, by in-
 20 serting “any Federally recognized Indian tribe or”
 21 before “any State or local government agency,”; and

22 (3) by adding at the end the following:

23 “(2) DEFINITION.—For purposes of this sub-
 24 section, the term ‘Indian tribe’ has the meaning
 25 given such term in section 101(36) of the Com-

1 prehensive Environmental Response, Compensation,
2 and Liability Act of 1980 (42 U.S.C. 9701(36)).”.

3 **Subtitle D—Matters Relating to De-**
4 **partment of Defense Civilian**
5 **Employees**

6 **SEC. 331. EXTENSION OF CERTAIN TRANSITION ASSIST-**
7 **ANCE AUTHORITIES.**

8 (a) REDUCTION-IN-FORCE NOTIFICATION REQUIRE-
9 MENTS.—Section 4433(b)(2) of the Defense Conversion,
10 Reinvestment, and Transition Assistance Act of 1992 (di-
11 vision D of Public Law 102–484; 106 Stat. 2721; 5 U.S.C.
12 3502 note) is amended by striking out “February 1,
13 1998” and inserting in lieu thereof “February 1, 2000”.

14 (b) SEPARATION PAY.—(1) Section 5597(e) of title
15 5, United States Code, is amended by striking out “Sep-
16 tember 30, 1997” and inserting in lieu thereof “Septem-
17 ber 30, 1999”.

18 (2) Section 4436(d)(2) of the Defense Conversion,
19 Reinvestment, and Transition Assistance Act of 1992 (5
20 U.S.C. 8348 note) is amended by striking out “January
21 1, 1998” and inserting in lieu thereof “January 1, 2000”.

22 (c) RESTORATION OF CERTAIN LEAVE.—Section
23 6304(d)(3) of title 5, United States Code, is amended by
24 striking out “the closure of an installation” and inserting
25 in lieu thereof “the closure of an installation of the De-

1 partment of Defense pursuant to the Defense Base Clo-
 2 sure and Realignment Act of 1990 (part A of title XXIX
 3 of Public Law 101–510; 10 U.S.C. 2687 note) during any
 4 period, and the closure of any other installation”.

5 (d) CONTINUED HEALTH BENEFITS.—Section
 6 8905a(d)(4)(B) of title 5, United States Code, is amend-
 7 ed—

8 (1) by striking out “October 1, 1997” each
 9 place it appears and inserting in lieu thereof “Octo-
 10 ber 1, 1999”; and

11 (2) in clause (ii), by striking out “February 1,
 12 1998,” and inserting in lieu thereof “February 1,
 13 2000,”.

14 **SEC. 332. EXTENSION AND EXPANSION OF AUTHORITY TO**
 15 **CONDUCT PERSONNEL DEMONSTRATION**
 16 **PROJECTS.**

17 (a) CHINA LAKE DEMONSTRATION PROJECT.—(1)
 18 Section 6 of the Civil Service Miscellaneous Amendments
 19 Act of 1983 (Public Law 98–224; 98 Stat. 49) is amended
 20 by striking out “September 30, 1995,”.

21 (2) In the event of a reorganization of the organiza-
 22 tion carrying out the personnel demonstration project re-
 23 ferred to in section 6 of Public Law 98–224, such section
 24 shall apply with respect to the successor to that organiza-
 25 tion.

1 (b) DEFENSE LABORATORIES PERSONNEL DEM-
2 ONSTRATION PROJECTS.—(1) The Secretary of Defense
3 may carry out personnel demonstration projects at De-
4 partment of Defense laboratories designated by the Sec-
5 retary as Department of Defense science and technology
6 reinvention laboratories.

7 (2) Each personnel demonstration project carried out
8 under the authority of paragraph (1) shall be similar to
9 the personnel demonstration project that is authorized by
10 section 6 of Public Law 98–224 to be continued at the
11 Naval Weapons Center, China Lake, California, and at the
12 Naval Ocean Systems Center, San Diego, California.

13 (3) If the Secretary carries out a demonstration
14 project at a laboratory pursuant to paragraph (1), section
15 4703 (other than subsection (d)) of title 5, United States
16 Code, shall apply to such demonstration project, except
17 that the authority of the Secretary to carry out the dem-
18 onstration project is that which is provided in paragraph
19 (1) rather than the authority that is provided in such sec-
20 tion 4703.

1 **SEC. 333. LIMITATION ON PAYMENT OF SEVERANCE PAY TO**
 2 **CERTAIN EMPLOYEES TRANSFERRING TO**
 3 **EMPLOYMENT POSITIONS IN**
 4 **NONAPPROPRIATED FUND INSTRUMENTAL-**
 5 **ITIES.**

6 (a) IN GENERAL.—Section 5595 of title 5, United
 7 States Code, is amended by adding at the end the follow-
 8 ing:

9 “(h)(1) Severance pay under this section may not be
 10 paid to—

11 “(A) a person described in paragraph (4)(A)
 12 during any period in which the person is employed
 13 in a defense nonappropriated fund instrumentality;
 14 or

15 “(B) a person described in paragraph (4)(B)
 16 during any period in which the person is employed
 17 in a Coast Guard nonappropriated fund instrumen-
 18 tality.

19 “(2)(A) Except as provided in subparagraph (B),
 20 payment of severance pay to a person referred to in para-
 21 graph (1) may be resumed upon any involuntary separa-
 22 tion of the person from the position of employment in a
 23 nonappropriated fund instrumentality, not by removal for
 24 cause on charges of misconduct, delinquency, or ineffi-
 25 ciency.

1 “(B) Payment of severance pay may not be resumed
2 under subparagraph (A) in the case of a person who, upon
3 separation, is entitled to immediate payment of retired or
4 retainer pay as a member or former member of the uni-
5 formed services or to an immediate annuity under—

6 “(i) a retirement system for persons retiring
7 from employment by a nonappropriated fund instru-
8 mentality;

9 “(ii) subchapter III of chapter 83 of this title;

10 “(iii) subchapter II of chapter 84 of this title;

11 or

12 “(iv) any other retirement system of the Fed-
13 eral Government for persons retiring from employ-
14 ment by the Federal Government.

15 “(3) Upon resumption of payment of severance pay
16 under paragraph (2)(A) in the case of a person separated
17 as described in such paragraph, the amount of the sever-
18 ance pay so payable for a period shall be reduced (but
19 not below zero) by the portion (if any) of the amount of
20 any severance pay payable for such period to the person
21 by the nonappropriated fund instrumentality that is at-
22 tributable to credit for service taken into account under
23 subsection (c) in the computation of the amount of the
24 severance pay so resumed.

1 “(4) Paragraph (1) applies to a person who, on or
2 after January 1, 1987, moves without a break in service—

3 “(A) from employment in the Department of
4 Defense that is not employment in a defense
5 nonappropriated fund instrumentality to employment
6 in a defense nonappropriated fund instrumentality;
7 or

8 “(B) from employment in the Coast Guard that
9 is not employment in a Coast Guard
10 nonappropriated fund instrumentality to employment
11 in a Coast Guard nonappropriated fund instrumen-
12 tality.

13 “(5) The Secretary of Defense, in consultation with
14 the Secretary of Transportation, shall prescribe regula-
15 tions to carry out this subsection.

16 “(6) In this subsection:

17 “(A) The term ‘defense nonappropriated fund
18 instrumentality’ means a nonappropriated fund in-
19 strumentality of the Department of Defense.

20 “(B) The term ‘Coast Guard nonappropriated
21 fund instrumentality’ means a nonappropriated fund
22 instrumentality of the Coast Guard.

23 “(C) The term ‘nonappropriated fund instru-
24 mentality’ means a nonappropriated fund instrumen-
25 tality described in section 2105(c) of this title.”.

1 (b) APPLICABILITY.—Subsection (h) of section 5595
 2 of title 5, United States Code, as added by subsection (a),
 3 shall take effect on the date of the enactment of this Act
 4 and apply with respect to pay periods that begin on or
 5 after such date.

6 **SEC. 334. RETIREMENT CREDIT FOR CERTAIN SERVICE IN**
 7 **NONAPPROPRIATED FUND INSTRUMENTAL-**
 8 **ITIES BEFORE JANUARY 1, 1987.**

9 (a) CIVIL SERVICE RETIREMENT AND DISABILITY
 10 SYSTEM.—Section 8332(b) of title 5, United States Code,
 11 is amended—

12 (1) in paragraph (15) by striking out “and” at
 13 the end;

14 (2) in paragraph (16) by striking out the period
 15 at the end and inserting in lieu thereof “; and”;

16 (3) by inserting after paragraph (16) the fol-
 17 lowing new paragraph:

18 “(17) service that an individual performed as
 19 an employee described in section 2105(c) of this title
 20 for at least 12 months during the period beginning
 21 on January 1, 1966, and ending on December 31,
 22 1986, other than service creditable under section
 23 8411(b)(5) of this title, if—

24 “(A) such service involved conducting a
 25 program described in paragraph (16)(A);

1 “(B) such individual was an employee sub-
2 ject to this subchapter or chapter 84 of this
3 title on January 1, 1994;

4 “(C) within 14 months after the date of
5 the enactment of the National Defense Author-
6 ization Act for Fiscal Year 1995, and in accord-
7 ance with regulations issued by the Office of
8 Personnel Management, the individual files ap-
9 propriate written application with the Office of
10 Personnel Management; and

11 “(D) the individual deposits to the credit
12 of the Fund for each period of such service the
13 amount (including interest) determined in ac-
14 cordance with the provisions of section 8334(c)
15 of this title that relate to employees.”; and

16 (4) in the last sentence—

17 (A) by striking out “described in para-
18 graph (16)” and inserting in lieu thereof “de-
19 scribed in paragraphs (16) and (17)”;

20 (B) by striking out “for such appropriated
21 fund instrumentality” and inserting in lieu
22 thereof “for such nonappropriated fund instru-
23 mentality”.

24 (b) FEDERAL EMPLOYEES’ RETIREMENT SYSTEM.—

25 Section 8411 of such title is amended—

1 (1) in subsection (b)—

2 (A) in paragraph (3), by striking out
3 “and” at the end;

4 (B) in paragraph (4), by striking out the
5 period at the end and inserting in lieu thereof
6 “; and”; and

7 (C) by inserting after paragraph (4) the
8 following new paragraph:

9 “(5) a period of service that an individual per-
10 formed as an employee described in section 2105(c)
11 of this title for at least 12 months during the period
12 beginning on January 1, 1966, and ending on De-
13 cember 31, 1986, if—

14 “(A) such service involved conducting a
15 program described in section 8332(b)(16)(A) of
16 this title;

17 “(B) upon an election to become subject to
18 this chapter under section 301 of the Federal
19 Employees’ Retirement System Act of 1986 (5
20 U.S.C. 8331 note), such service would (subject
21 to the making of required deposits) have been
22 creditable under this chapter pursuant to sub-
23 paragraph (B)(i) or (C) of section 302(a)(1) of
24 such Act had the service been performed as an

1 employee subject to subchapter III of chapter
2 83 of this title;

3 “(C) such individual was an employee sub-
4 ject to this chapter on January 1, 1994;

5 “(D) within 14 months after the date of
6 the enactment of the National Defense Author-
7 ization Act for Fiscal Year 1995, and in accord-
8 ance with regulations issued by the Office of
9 Personnel Management, the individual files ap-
10 propriate written application with the Office of
11 Personnel Management; and

12 “(E) the individual makes the deposit or
13 deposits required by subsection (f).”;

14 (2) in subsection (f)(2), by striking out “sub-
15 section (b)(3)” and inserting in lieu thereof “para-
16 graph (3) or (5) of subsection (b)”;

17 (3) by adding at the end the following new sub-
18 sections:

19 “(i) The Office of Personnel Management shall ac-
20 cept, for the purposes of this chapter, the certification of
21 the head of a nonappropriated fund instrumentality of the
22 United States concerning service of the type described in
23 subsection (b)(5) which was performed for such
24 nonappropriated fund instrumentality.

1 “(j) In the case of an individual who has creditable
 2 service under subsection (b)(5) for purposes of this chap-
 3 ter and creditable service under section 8332(b)(17) for
 4 purposes of subchapter III of chapter 83 of this title, and
 5 has not previously made an election under section 301 of
 6 the Federal Employees’ Retirement Act of 1986 (5 U.S.C.
 7 8331 note) to become subject to this chapter, section 302
 8 of such Act shall apply to such individual as if the individ-
 9 ual had made a timely election under section 301(a)(2)
 10 of such Act to become subject to this chapter effective on
 11 the date on which the individual became subject to this
 12 chapter (without regard to whether that date is before,
 13 on, or after June 30, 1987).”.

14 **SEC. 335. TRAVEL, TRANSPORTATION, AND RELOCATION**
 15 **EXPENSES OF EMPLOYEES TRANSFERRING**
 16 **TO THE UNITED STATES POSTAL SERVICE.**

17 (a) IN GENERAL.—(1) Subchapter II of chapter 57
 18 of title 5, United States Code, is amended by adding at
 19 the end the following:

20 **“§ 5735. Travel, transportation, and relocation ex-**
 21 **penses of employees transferring to the**
 22 **United States Postal Service**

23 “(a) IN GENERAL.—Notwithstanding any other pro-
 24 vision of law, employees of the Department of Defense de-
 25 scribed in subsection (b) may be authorized travel, trans-

1 portation, and relocation expenses and allowances in con-
 2 nection with appointments referred to in such subsection
 3 under the same conditions and to the same extent author-
 4 ized by this subchapter for transferred employees.

5 “(b) COVERED EMPLOYEES.—Subsection (a) applies
 6 to any employee of the Department of Defense who—

7 “(1) is scheduled for separation from the De-
 8 partment, other than for cause;

9 “(2) is selected for appointment to a continuing
 10 position with the United States Postal Service; and

11 “(3) accepts the appointment.”.

12 (2) The table of sections at the beginning of such sub-
 13 chapter is amended by adding at the end the following:

“5735. Travel, transportation, and relocation expenses of employees transferring
 to the United States Postal Service.”.

14 (b) EFFECTIVE DATE.—The amendments made by
 15 subsection (a) shall take effect on the date of the enact-
 16 ment of this Act and apply to persons separated from em-
 17 ployment by the Department of Defense on or after such
 18 date.

19 **SEC. 336. FOREIGN EMPLOYEES COVERED BY THE FOR-**
 20 **EIGN NATIONAL EMPLOYEES SEPARATION**
 21 **PAY ACCOUNT.**

22 Section 1581 of title 10, United States Code, is
 23 amended—

1 (1) by striking out “foreign national employees
2 of the Department of Defense” each place it appears
3 in subsections (a) and (b) and inserting in lieu
4 thereof “foreign nationals referred to in subsection
5 (e)”; and

6 (2) by striking out subsection (e) and inserting
7 in lieu thereof the following:

8 “(e) EMPLOYEES COVERED.—This section applies
9 only with respect to separation pay of foreign nationals
10 employed by the Department of Defense, and foreign na-
11 tionals employed by a foreign government for the benefit
12 of the Department of Defense, under any of the following
13 agreements that provide for payment of separation pay:

14 “(1) A contract.

15 “(2) A treaty.

16 “(3) A memorandum of understanding with a
17 foreign nation.”.

18 **SEC. 337. INCREASED AUTHORITY TO ACCEPT VOLUNTARY**
19 **SERVICES.**

20 (a) EXPANSION OF AUTHORITY.—The text of section
21 1588 of title 10, United States Code, is amended to read
22 as follows:

23 “(a) AUTHORITY TO ACCEPT SERVICES.—Subject
24 subsection (b) and notwithstanding section 1342 of title

1 31, the Secretary concerned may accept from any person
2 the following services:

3 “(1) Voluntary medical services, dental services,
4 nursing services, or other health-care related serv-
5 ices.

6 “(2) Voluntary services to be provided for a
7 museum or a natural resources program.

8 “(3) Voluntary services to be provided for pro-
9 grams providing services to members of the armed
10 forces and the families of such members, including
11 the following programs:

12 “(A) Family support programs.

13 “(B) Child development and youth services
14 programs.

15 “(C) Library and education programs.

16 “(D) Religious programs.

17 “(E) Housing referral programs.

18 “(F) Programs providing employment as-
19 sistance to spouses of such members.

20 “(b) REQUIREMENTS AND LIMITATIONS.—(1) The
21 Secretary concerned shall notify the person of the scope
22 of the services accepted.

23 “(2) With respect to a person providing voluntary
24 services accepted under subsection (a), the Secretary con-
25 cerned—

1 “(A) shall—

2 “(i) supervise the person to the same ex-
3 tent as the Secretary would supervise a com-
4 pensated employee providing similar services;
5 and

6 “(ii) ensure that the person is licensed,
7 privileged, has appropriate credentials, or is
8 otherwise qualified under applicable law or reg-
9 ulations to provide such services; and

10 “(B) may not—

11 “(i) place the person in a policy-making
12 position; or

13 “(ii) except as provided subsection (e),
14 compensate the person for the provision of such
15 services.

16 “(c) AUTHORITY TO RECRUIT AND TRAIN PERSONS
17 PROVIDING SERVICES.—The Secretary concerned may re-
18 cruit and train persons to provide voluntary services ac-
19 cepted under subsection (a).

20 “(d) STATUS OF PERSONS PROVIDING SERVICES.—

21 (1) Subject to paragraph (3), while providing voluntary
22 services accepted under subsection (a) or receiving train-
23 ing under subsection (c) a person, other than a person
24 referred to in paragraph (2), shall be considered to be an

1 employee of the Federal Government only for purposes of
2 the following provisions of law:

3 “(A) Subchapter I of chapter 81 of title 5, re-
4 lating to compensation for work-related injuries.

5 “(B) Section 2733 of this title and section 2733
6 of title 28, relating to claims for damages or loss.

7 “(C) Section 522a of title 5, relating to mainte-
8 nance of records on individuals.

9 “(D) Chapter 11 of title 18, relating to con-
10 flicts of interest.

11 “(2) Subject to paragraph (3), while providing a
12 nonappropriated fund instrumentality of the United
13 States with voluntary services accepted under subsection
14 (a), or receiving training under subsection (c) to provide
15 such an instrumentality with services accepted under sub-
16 section (a), a person shall be considered an employee of
17 that instrumentality only for the following purposes:

18 “(A) Subchapter II of chapter 81 of title 5, re-
19 lating to compensation of nonappropriated fund em-
20 ployees for work-related injuries.

21 “(B) Section 2733 of this title and section 2733
22 of title 28, relating to tort claims.

23 “(3) A person providing voluntary services accepted
24 under subsection (a) shall be considered to be an employee
25 of the Federal Government under paragraph (1) or (2)

1 only with respect to services that are within the scope of
2 the services so accepted.

3 “(4) For purposes of determining the compensation
4 for work-related injuries payable under chapter 81 of title
5 5 (pursuant to this subsection) to a person providing vol-
6 untary services accepted under subsection (a), the monthly
7 pay of the person for such services shall be deemed to be
8 the amount determined by multiplying—

9 “(A) the average monthly number of hours that
10 the person provided the services, by

11 “(B) the minimum wage determined in accord-
12 ance with section 6(a)(1) of the Fair Labor Stand-
13 ards Act of 1938 (29 U.S.C. 206(a)(1)).

14 “(e) REIMBURSEMENT OF INCIDENTAL EXPENSES.—
15 The Secretary concerned may provide for reimbursement
16 of a person for incidental expenses incurred by the person
17 in providing voluntary services accepted under subsection
18 (a). The Secretary shall determine which expenses are eli-
19 gible for reimbursement under this subsection. Any such
20 reimbursement may be made from appropriated or
21 nonappropriated funds.”.

22 (b) CONFORMING AND TECHNICAL AMENDMENTS.—
23 (1) Section 8171(a) of title 5, United States Code, is
24 amended by inserting “, or to a volunteer providing such
25 an instrumentality with services accepted under section

1 1588 of title 10,” after “described by section 2105(c) of
2 this title”.

3 (2) Subchapter II of chapter 81 of such title is
4 amended—

5 (A) in section 8171—

6 (i) in subsection (a)—

7 (I) by striking out “Chapter 18 of
8 title 33” in the first sentence and inserting
9 in lieu thereof “The Longshore and Har-
10 bor Workers’ Compensation Act (33
11 U.S.C. 901 et seq.)”;

12 (II) by striking out “section 902(2) of
13 title 33” in the first sentence and inserting
14 in lieu thereof “section 2(2) of such Act
15 (33 U.S.C. 902(2))”; and

16 (III) by striking out “section 903(a)
17 of title 33 which follows the first comma”
18 in the second sentence and inserting in lieu
19 thereof “section 3(a) of such Act (33
20 U.S.C. 903(3)) which follows the second
21 comma”;

22 (ii) in subsection (b), by striking out “sec-
23 tion 902(4) of title 33” and inserting in lieu
24 thereof “section 2(4) of the Longshore and

1 Harbor Workers' Compensation Act (33 U.S.C.
2 902(4))”;

3 (iii) in subsection (c)(1), by striking out
4 “section 939(b) of title 33” and inserting in
5 lieu thereof “39(b) of the Longshore and Har-
6 bor Workers' Compensation Act (33 U.S.C.
7 939(b))”; and

8 (iv) in subsection (d), by striking out “sec-
9 tions 918 and 921 of title 33” and inserting in
10 lieu thereof “sections 18 and 21 of the
11 Longshore and Harbor Workers' Compensation
12 Act (33 U.S.C. 18 and 21, respectively)”; and

13 (B) by striking out “section 902(2) of title 33”
14 in sections 8172 and 8173 and inserting in lieu
15 thereof “section 2(2) of the Longshore and Harbor
16 Workers' Compensation Act (33 U.S.C. 2(2))”.

17 **Subtitle E—Other Matters**

18 **SEC. 341. CHANGE OF SOURCE FOR PERFORMANCE OF** 19 **DEPOT-LEVEL WORKLOADS.**

20 The text of section 2469 of title 10, United States
21 Code, is amended to read as follows:

22 “(a) REQUIREMENT FOR COMPETITION.—The Sec-
23 retary of Defense shall ensure that the performance of a
24 depot-level maintenance workload described in subsection
25 (b) is not changed to performance by a contractor or by

1 another depot-level maintenance activity of the Depart-
 2 ment of Defense unless the change is made using—

3 “(1) merit-based selection procedures for com-
 4 petitions among all depot-level maintenance activities
 5 of the Department of Defense; or

6 “(2) competitive procedures for competitions
 7 among private and public sector entities.

8 “(b) SCOPE.—Subsection (a) applies to any depot-
 9 level maintenance workload that has a value of not less
 10 than \$3,000,000 and is being performed by a depot-level
 11 activity of the Department of Defense.

12 “(c) INAPPLICABILITY OF OMB CIRCULAR A-76.—
 13 Office of Management and Budget Circular A-76 does not
 14 apply to a performance change to which subsection (a) ap-
 15 plies.”.

16 **SEC. 342. CIVIL AIR PATROL.**

17 (a) PROVISION OF FUNDS.—Subsection (b) of section
 18 9441 of title 10, United States Code, is amended—

19 (1) by redesignating paragraphs (8), (9), (10),
 20 and (11) as paragraphs (9), (10), (11), and (12), re-
 21 spectively; and

22 (2) by inserting after paragraph (7) the follow-
 23 ing new paragraph (8):

24 “(8) provide funds for the national head-
 25 quarters of the Civil Air Patrol, including funds for

1 the payment of staff compensation and benefits, ad-
2 ministrative expenses, travel, per diem and allow-
3 ances, rent and utilities, and other operational ex-
4 penses;”.

5 (b) LIAISONS.—Such section is further amended by
6 adding at the end the following new subsection:

7 “(d)(1) The Secretary of the Air Force may authorize
8 the Civil Air Patrol to employ, as administrators and liai-
9 son officers, persons retired from service in the Air Force
10 whose qualifications are approved under regulations pre-
11 scribed by the Secretary and who request such employ-
12 ment.

13 “(2) A person employed pursuant to paragraph (1)
14 may receive the person’s retired pay and an additional
15 amount for such employment that is not more than the
16 difference between the person’s retired pay and the pay
17 and allowances the person would be entitled to receive if
18 ordered to active duty in the grade in which the person
19 retired from service in the Air Force. The additional
20 amount shall be paid to the Civil Air Patrol by the Sec-
21 retary from funds appropriated for that purpose.

22 “(3) A person employed pursuant to paragraph (1)
23 may not, while so employed, be considered to be on active
24 duty or inactive-duty training for any purpose.”.

1 **SEC. 343. ARMED FORCES RETIREMENT HOME.**

2 (a) INCREASED MAXIMUM LIMITATION ON DEDUC-
3 TIONS FROM PAY.—Section 1007(i) of title 37, United
4 States Code, is amended—

5 (1) in paragraph (1), by striking out “50
6 cents” and inserting in lieu thereof “\$2.00”; and

7 (2) in paragraph (3), by adding at the end the
8 following: “The amount fixed for a grade or length
9 of service may not be increased by more than 50
10 cents during any 12-month period.”.

11 (b) MODIFICATION OF FEES PAID BY RESIDENTS.—

12 (1) Paragraph (2) of section 1514(c) of the Armed Forces
13 Retirement Home Act of 1991 (24 U.S.C. 414(c)) is
14 amended to read as follows:

15 “(2) The fee shall be fixed as a percentage of the
16 monthly income and monthly payments (including Federal
17 payments) received by a resident, subject to such adjust-
18 ments in the fee as the Retirement Home Board may
19 make under paragraph (1). The percentage shall be the
20 same for each establishment of the Retirement Home.”.

21 (2)(A) Subsections (d) and (e) of section 1514 of
22 such Act are repealed.

23 (B) Such section is further amended by adding after
24 subsection (c) the following new subsection (d):

25 “(d) APPLICATION OF FEES.—Subject to such ad-
26 justments in the fee as the Retirement Home Board may

1 make under subsection (c), each resident of the Retire-
 2 ment Home shall be required to pay a monthly fee equal
 3 to the amount determined by multiplying the total amount
 4 of all monthly income and monthly payments (including
 5 Federal payments) received by the resident by a percent-
 6 age as follows:

7 “(1) In the case of a permanent health care
 8 resident—

9 “(A) in fiscal year 1998, 35 percent;

10 “(B) in fiscal year 1999, 45 percent; and

11 “(C) in fiscal year 2000, 65 percent.

12 “(2) In the case of a resident who is not a per-
 13 manent health care resident—

14 “(A) in fiscal year 1998, 30 percent;

15 “(B) in fiscal year 1999, 35 percent; and

16 “(C) in fiscal year 2000, 40 percent.

17 (c) MODERNIZATION OF FACILITIES.—(1) The
 18 Chairman of the Armed Forces Retirement Home Board
 19 shall carry out a study to identify and evaluate alter-
 20 natives for modernization of the facilities at the United
 21 States Soldiers’ and Airmen’s Home.

22 (2) The Chairman shall submit an interim report and
 23 a final report on the results of the study to the Commit-
 24 tees on Armed Services of the Senate and House of Rep-
 25 resentatives. The Chairman shall submit the interim re-

1 port not later than April 1, 1995, and the final report
2 not later than December 31, 1995.

3 (d) EFFECTIVE DATES.—(1) The amendments made
4 by subsection (a) shall take effect on January 1, 1995,
5 and apply to years that begin on or after that date.

6 (2) The amendments made by subsection (b) shall
7 take effect October 1, 1997.

8 **SEC. 344. CLARIFICATION OF AUTHORITY TO PROVIDE**
9 **MEDICAL TRANSPORTATION UNDER NA-**
10 **TIONAL GUARD PILOT PROGRAM.**

11 Paragraph (1) of section 376(h) of the National De-
12 fense Authorization Act for Fiscal Year 1993 (32 U.S.C.
13 501 note) is amended to read as follows:

14 “(1) The term ‘health care’ includes the follow-
15 ing services:

16 “(A) Medical care services.

17 “(B) Dental care services.

18 “(C) Transportation, by air ambulance or
19 other means, for medical reasons.”.

20 **SEC. 345. ARMS INITIATIVE LOAN GUARANTEE PROGRAM.**

21 (a) PROGRAM AUTHORIZED.—Subject to subsection
22 (b), the Secretary of the Army may carry out a loan guar-
23 antee program to encourage commercial firms to use am-
24 munition manufacturing facilities pursuant to section 193
25 of the Armament Retooling and Manufacturing Support

1 Act of 1992 (subtitle H of title I of Public Law 102–484;
2 106 Stat. 2348). Under such program, the Secretary may
3 guarantee the repayment of any loan made to a commer-
4 cial firm to fund, in whole or in part, the establishment
5 of a commercial activity under the Act.

6 (b) ADVANCED BUDGET AUTHORITY.—Loan guaran-
7 tees under this section may not be committed except to
8 the extent that appropriations of budget authority to cover
9 their costs are made in advance, as required by section
10 504 of the Federal Credit Reform Act of 1990 (title V
11 of the Congressional Budget Act of 1974; 2 U.S.C. 661c).

12 (c) PROGRAM ADMINISTRATION.—(1) The Secretary
13 may enter into agreements with the Administrator of the
14 Small Business Administration, the Administrator of the
15 Farmers Home Administration, and the Administrator of
16 the Rural Development Administration under which such
17 Administrators may, under this section—

18 (A) process applications for loan guarantees;

19 (B) guarantee repayment of loans; and

20 (C) provide any other services to the Secretary
21 to administer the loan guarantee program.

22 (2) Each Administrator may guarantee loans under
23 this section to commercial firms of any size, notwithstand-
24 ing any size limitations imposed on other loan guarantee
25 programs that the Administrator administers.

1 (3) To the extent practicable, each Administrator
2 shall use the same procedures for processing loan guaran-
3 tee applications under this section as the Administrator
4 uses for processing loan guarantee applications under
5 other loan guarantee programs that the Administrator
6 administers.

7 (d) LOAN LIMITS.—Loan guarantees under this sec-
8 tion may not exceed—

9 (1) \$20,000,000 for any borrower; and

10 (2) \$65,000,000 for all borrowers.

11 (e) TRANSFER OF FUNDS.—The Secretary of the
12 Army may transfer to an Administrator providing services
13 under subsection (c), and an Administrator may accept,
14 such funds as may be necessary to administer the loan
15 guarantee program under this section.

16 (f) REPORTING REQUIREMENT.—Not later than July
17 1 of each year in which a guarantee issued under this sec-
18 tion is in effect, the Secretary shall submit to the congres-
19 sional defense committees a report containing the amounts
20 of loans guaranteed under this section during the preced-
21 ing calendar year. No report is required after fiscal year
22 1997.

23 (g) AUTHORIZATION FOR USE OF EXISTING BUDGET
24 AUTHORITY.—Funds appropriated for the Armament Re-
25 tooling and Manufacturing Support Initiative by title III

1 of Public Law 102–396 under the heading “PROCURE-
 2 MENT OF AMMUNITION, ARMY” (106 Stat. 1887) may be
 3 made available for loan guarantees under this section only
 4 to the extent provided in an appropriations Act enacted
 5 after the date of the enactment of this Act.

6 (h) EXTENSION OF AUTHORITY.—Section 193(a) of
 7 the Armament Retooling and Manufacturing Support Act
 8 of 1992 (subtitle H of title I of Public Law 102–484; 106
 9 Stat. 2348) is amended by striking out “During fiscal
 10 years 1993 and 1994,” and inserting in lieu thereof “Dur-
 11 ing fiscal years 1993 through 1996,”.

12 **SEC. 346. REAUTHORIZATION OF DEPARTMENT OF DE-**
 13 **FENSE DOMESTIC ELEMENTARY AND SEC-**
 14 **ONDARY SCHOOLS FOR DEPENDENTS.**

15 (a) CONTINUED AUTHORITY.—Chapter 108 of title
 16 10, United States Code, is amended by adding at the end
 17 the following new section:

18 **“§ 2164. Department of Defense domestic dependent**
 19 **elementary and secondary schools**

20 “(a) AUTHORITY OF SECRETARY.—If the Secretary
 21 of Defense makes a determination that appropriate edu-
 22 cational programs are not available through a local edu-
 23 cational agency for dependents of members of the armed
 24 forces and dependents of civilian employees of the Federal
 25 Government residing on a military installation in the Unit-

1 ed States (including territories, commonwealths, and pos-
2 sessions of the United States), the Secretary may provide
3 for the elementary or secondary education of the depend-
4 ents of such members of the armed forces and, to the ex-
5 tent authorized in subsection (c), the dependents of such
6 civilian employees.

7 “(b) FACTORS FOR SECRETARY TO CONSIDER.—(1)
8 Factors to be considered by the Secretary of Defense in
9 making a determination under subsection (a) shall include
10 the following:

11 “(A) The extent to which such dependents are
12 eligible for free public education in the local area ad-
13 jacent to the military installation.

14 “(B) The extent to which the local educational
15 agency is able to provide a comparable educational
16 program for such dependents.

17 “(2) For purposes of paragraph (1)(B), an appro-
18 priate educational program is a program that, as deter-
19 mined by the Secretary, is comparable to a program of
20 free public education provided for children in the following
21 communities:

22 “(A) In the case of a military installation lo-
23 cated in a State (other than an installation referred
24 to in subparagraph (B)), similar communities in the
25 State.

1 “(B) In the case of a military installation with
2 boundaries contiguous to two or more States, similar
3 communities in the contiguous States.

4 “(C) In the case of a military installation lo-
5 cated in a territory, commonwealth, or possession,
6 the District of Columbia, except that an educational
7 program determined comparable under this subpara-
8 graph may be considered appropriate for the pur-
9 poses of paragraph (1)(B) only if the program is
10 conducted in the English language.

11 “(c) ELIGIBILITY OF DEPENDENTS OF FEDERAL
12 EMPLOYEES.—(1) A dependent of a Federal employee re-
13 siding on a military installation at any time during the
14 school year may enroll in an educational program provided
15 by the Secretary of Defense pursuant to subsection (a)
16 for dependents residing on such installation.

17 “(2)(A) Except as provided in subparagraph (B), a
18 dependent of a Federal employee who is enrolled in an
19 educational program provided by the Secretary pursuant
20 to subsection (a) and who is not residing on a military
21 installation may be enrolled in the program for not more
22 than five consecutive school years.

23 “(B) A dependent referred to in subparagraph (A)
24 may be enrolled in the program for more than five con-
25 secutive school years if the Secretary determines that, in

1 the interest of the dependent's educational well-being,
2 there is good cause to extend the enrollment for more than
3 the five-year period described in such subparagraph. Any
4 such extension may be made for only one school year at
5 a time.

6 “(3) A dependent of a Federal employee may con-
7 tinue enrollment in a program under this subsection for
8 the remainder of a school year notwithstanding a change
9 during such school year in the status of the Federal em-
10 ployee that, except for this paragraph, would otherwise
11 terminate the eligibility of the dependent to be enrolled
12 in the program. The preceding sentence does not limit the
13 authority of the Secretary to remove the dependent from
14 enrollment in the program at any time for good cause de-
15 termined by the Secretary.

16 “(d) SCHOOL BOARDS.—(1) The Secretary of De-
17 fense shall provide for the establishment of a school board
18 for each Department of Defense elementary or secondary
19 school established for a military installation under this
20 section.

21 “(2) The school board shall be composed of the num-
22 ber of members, not less than three, prescribed by the
23 Secretary.

1 “(3) The parents of the students attending the school
2 shall elect the school board in accordance with procedures
3 which the Secretary shall prescribe.

4 “(4) The elected school board shall be considered a
5 local civic group with a function of rendering a public serv-
6 ice of providing counsel through oversight of school ex-
7 penditures and operations. The Secretary shall prescribe
8 the oversight procedures and audit standards applicable
9 to the functions of the school board.

10 “(5) Meetings conducted by the school board shall be
11 open to the public.

12 “(6) A school board need not comply with the provi-
13 sions of the Federal Advisory Committee Act (5 U.S.C.
14 App.), but may close meetings in accordance with such
15 Act.

16 “(e) ADMINISTRATION AND STAFF.—(1) The Sec-
17 retary of Defense may enter into such arrangements as
18 may be necessary to provide educational programs at the
19 school.

20 “(2) The Secretary may, without regard to the provi-
21 sions of any other law relating to the number, classifica-
22 tion, or compensation of employees—

23 “(A) establish such positions for civilian em-
24 ployees in schools established under this section;

25 “(B) appoint individuals to such positions; and

1 “(C) fix the compensation of such individuals
2 for service in such positions.

3 “(3)(A) Except as provided in subparagraph (B), in
4 fixing the compensation of employees appointed for a
5 school pursuant to paragraph (2), the Secretary shall con-
6 sider—

7 “(i) the compensation of comparable employees
8 of the local educational agency in the capital of the
9 State where the military installation is located;

10 “(ii) the compensation of comparable employees
11 in the local educational agency that provides public
12 education to students who reside adjacent to the
13 military installation; or

14 “(iii) the average compensation for similar posi-
15 tions in not more than three other local educational
16 agencies in the State in which the military installa-
17 tion is located.

18 “(B) In fixing the compensation of employees in
19 schools established in the territories, commonwealths, and
20 possessions pursuant to the authority of this section, the
21 Secretary shall determine the level of compensation re-
22 quired to attract qualified employees. For employees in
23 such schools, the Secretary, without regard to the provi-
24 sions of title 5, may provide for the tenure, leave, hours
25 of work, and other incidents of employment to be similar

1 to that provided for comparable positions in the public
2 schools of the District of Columbia. For purposes of the
3 first sentence, a school shall be considered to have been
4 established pursuant to the authority of this section if the
5 school was established pursuant to other similar authority
6 before the date on which this section takes effect.

7 “(f) SUBSTANTIVE AND PROCEDURAL RIGHTS AND
8 PROTECTIONS FOR CHILDREN.—(1) The Secretary shall
9 provide the following substantive rights, protections, and
10 procedural safeguards (including due process procedures)
11 in the educational programs provided for under this
12 section:

13 “(A) In the case of children with disabilities
14 aged 3 to 5, inclusive, all substantive rights, protec-
15 tions, and procedural safeguards (including due
16 process procedures) available to children with dis-
17 abilities aged 3 to 5, inclusive, under part B of the
18 Individuals with Disabilities Education Act (20
19 U.S.C. 1411 et seq.).

20 “(B) In the case of infants and toddlers with
21 disabilities, all substantive rights, protections, and
22 procedural safeguards (including due process proce-
23 dures) available to infants and toddlers with disabil-
24 ities under part H of such Act (20 U.S.C. 1471 et
25 seq.).

1 “(C) In the case of all other children with dis-
2 abilities, all substantive rights, protections, and pro-
3 cedural safeguards (including due process proce-
4 dures) available to children with disabilities who are
5 3 to 5 years old under part B of such Act.

6 “(2) Paragraph (1) may not be construed as dimin-
7 ishing for children with disabilities enrolled in day edu-
8 cational programs provided for under this section the ex-
9 tent of substantive rights, protections, and procedural
10 safeguards that were available under section 6(a) of Public
11 Law 81–874 (20 U.S.C. 241(a)) to children with disabil-
12 ities as of October 7, 1991.

13 “(3) In this subsection:

14 “(A) The term ‘children with disabilities’ has
15 the meaning given the term in section 602(a)(1) of
16 the Individuals with Disabilities Education Act (20
17 U.S.C. 1401(a)(1)).

18 “(B) The term ‘children with disabilities aged 3
19 to 5, inclusive’ means such term as used in such Act
20 (20 U.S.C. 1400 et seq.).

21 “(C) The term ‘infants and toddlers with dis-
22 abilities’ has the meaning given the term in section
23 672(1) of such Act (20 U.S.C. 1472(1)).

24 “(g) REIMBURSEMENT.—When the Secretary of De-
25 fense provides educational services under this section to

1 an individual who is a dependent of an employee of a Fed-
 2 eral agency outside the Department of Defense, the head
 3 of the other Federal agency shall, upon request of the Sec-
 4 retary of Defense, reimburse the Secretary for those serv-
 5 ices at rates routinely prescribed by the Secretary for
 6 those services. Any payments received by the Secretary
 7 under this subsection shall be credited to the account des-
 8 igned by the Secretary for the operation of educational
 9 programs under this section.”.

10 (b) CLERICAL AMENDMENT.—The table of sections
 11 at the beginning of such chapter is amended by adding
 12 at the end the following new item:

“2164. Department of Defense domestic dependent elementary and secondary
 schools.”.

13 **SEC. 347. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES**
 14 **THAT BENEFIT DEPENDENTS OF MEMBERS**
 15 **OF THE ARMED FORCES AND DEPARTMENT**
 16 **OF DEFENSE CIVILIAN EMPLOYEES.**

17 (a) AVAILABILITY OF FUNDS.—Of the amounts au-
 18 thorized to be appropriated pursuant to section 301(5)—

19 (1) \$50,000,000 shall be available for providing
 20 assistance to local educational agencies under sub-
 21 section (b) of section 386 of Public Law 102–484;
 22 and

1 (2) \$8,000,000 shall be available for making
2 payments to local educational agencies under sub-
3 section (d) of such section.

4 (b) NOTIFICATION AND DISBURSAL.—(1) On or be-
5 fore June 30, 1995, the Secretary of Defense (with respect
6 to assistance provided in subsection (b) of section 386 of
7 Public Law 102–484) and the Secretary of Education
8 (with respect to payments made under subsection (d) of
9 such section) shall notify each local educational agency eli-
10 gible for assistance under subsections (b) and (d) of such
11 section, respectively, for fiscal year 1995 of such agency’s
12 eligibility for such assistance and the amount of such
13 assistance.

14 (2) The Secretary of Defense (with respect to funds
15 made available under subsection (a)(1)) and the Secretary
16 of Education (with respect to funds made available under
17 subsection (a)(2)) shall disburse such funds not later than
18 30 days after notification to eligible local education
19 agencies.

20 **SEC. 348. DISPOSITION OF PROCEEDS FROM OPERATION**
21 **OF THE NAVAL ACADEMY LAUNDRY.**

22 Section 6971 of title 10, United States Code, is
23 amended—

24 (1) in subsection (a)—

25 (A) by striking out “(a)”; and

1 (B) in the first sentence, by striking out
2 “and the Academy dairy” and inserting in lieu
3 thereof “the Academy dairy, and the Academy
4 laundry”; and
5 (2) by striking out subsection (b).

6 **SEC. 349. REPEAL OF ANNUAL LIMITATION ON EXPENDI-**
7 **TURES FOR EMERGENCY AND EXTRAOR-**
8 **DINARY EXPENSES OF THE DEPARTMENT OF**
9 **DEFENSE INSPECTOR GENERAL.**

10 Section 127(c) of title 10, United States Code, is
11 amended—

12 (1) by striking out “(1)” after “(c)”; and
13 (2) by striking out paragraph (2).

14 **SEC. 350. EXTENSION OF AUTHORITY FOR PROGRAM TO**
15 **COMMEMORATE WORLD WAR II.**

16 Section 378 of the National Defense Authorization
17 Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat.
18 2387; 10 U.S.C. 113 note) is amended by striking out
19 “1995” each place it appears in subsections (a) and (b)
20 and inserting in lieu thereof “1996”.

1 **SEC. 351. EXTENSION OF AUTHORITY FOR AVIATION DE-**
2 **POTS AND NAVAL SHIPYARDS TO ENGAGE IN**
3 **DEFENSE-RELATED PRODUCTION AND SERV-**
4 **ICES.**

5 Section 1425(e) of the National Defense Authoriza-
6 tion Act for Fiscal Year 1991 (Public Law 101–510), as
7 amended by section 370(b) of Public Law 103–160 (107
8 Stat. 1634), is further amended by striking out “Septem-
9 ber 30, 1994” and inserting in lieu thereof “September
10 30, 1995”.

11 **SEC. 352. TRANSFER OF CERTAIN EXCESS DEPARTMENT OF**
12 **DEFENSE PROPERTY TO EDUCATIONAL IN-**
13 **STITUTIONS AND TRAINING SCHOOLS.**

14 (a) **AUTHORITY TO TRANSFER.**—Subsection (b)(1)
15 of section 2535(b) of title 10, United States Code, is
16 amended—

17 (1) in subparagraph (F), by striking out “and”;

18 (2) by redesignating subparagraph (G) as sub-
19 paragraph (H); and

20 (3) by inserting after subparagraph (F) the fol-
21 lowing new subparagraph (G):

22 “(G) notwithstanding title II of the Federal
23 Property and Administrative Services Act of 1949
24 (40 U.S.C. 481 et seq.) and any other provision of
25 law, authorize the transfer, on a nonreimbursable
26 basis, of any such property to any nonprofit edu-

1 cational institution or training school whenever the
2 program proposed by such institution or school for
3 the use of such property will contribute materially to
4 national defense; and”.

5 (b) TREATMENT OF PROPERTY LOANED BEFORE
6 SEPTEMBER 30, 1993.—Except for property determined
7 by the Secretary to be needed by the Department of De-
8 fense, property loaned before September 30, 1993, to an
9 educational institution or training school under section
10 2535(b) of title 10, United States Code, or section 4(a)(7)
11 of the Defense Industrial Reserve Act (as in effect before
12 October 23, 1992) shall be regarded as surplus property.
13 Upon certification by the Secretary to the Administrator
14 of General Services that the property is being used by the
15 borrowing educational institution or training school for a
16 purpose consistent with that for which the property was
17 loaned, the Administrator may authorize the conveyance
18 of all right, title, and interest of the United States in such
19 property to the borrower if the borrower agrees to accept
20 the property. The Administrator may require any addi-
21 tional terms and conditions in connection with a convey-
22 ance so authorized that the Administrator considers ap-
23 propriate to protect the interests of the United States.

1 **SEC. 353. SHIPS' STORES.**

2 Section 371 of the National Defense Authorization
3 Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat.
4 1634; 10 U.S.C. 7604 note) is amended—

5 (1) by striking out subsections (a), (b), and (d);
6 and

7 (2) in subsection (c), by striking out “(c) CODI-
8 FICATION.—Section 7604” and inserting in lieu
9 thereof “Effective as of November 30, 1993, section
10 7604”.

11 **SEC. 354. HUMANITARIAN PROGRAM FOR CLEARING LAND-**
12 **MINES.**

13 (a) PROGRAM AUTHORIZED.—The Secretary of De-
14 fense may carry out a program for humanitarian purposes
15 to provide for the instruction, education, training, and ad-
16 vising of personnel of other nations in the various proce-
17 dures that have been determined effective for detecting
18 and clearing landmines.

19 (b) FORMS OF ASSISTANCE.—Under the program the
20 Secretary may provide personnel to conduct the instruc-
21 tion, education, or training or to furnish advice. In addi-
22 tion or alternatively, the Secretary may provide financial
23 assistance or in-kind assistance in support of such instruc-
24 tion, education, or training.

1 (c) LIMITATIONS ON ACTIONS OF UNITED STATES
2 PERSONNEL.—The Secretary of Defense shall ensure that
3 no member of the Armed Forces of the United States—

4 (1) while providing assistance under subsection
5 (a), engages in the physical detection, lifting, or de-
6 stroying of landmines unless the member does so for
7 the concurrent purpose of supporting a United
8 States military operation; or

9 (2) provides such assistance as part of a mili-
10 tary operation that does not involve the Armed
11 Forces of the United States.

12 (d) FUNDING.—Of the funds authorized to be appro-
13 priated in section 301, not more than \$10,000,000 shall
14 be available for a program carried out under subsection
15 (a).

16 **SEC. 355. ASSISTANCE TO RED CROSS FOR EMERGENCY**
17 **COMMUNICATIONS SERVICES FOR MEMBERS**
18 **OF THE ARMED FORCES AND THEIR FAMI-**
19 **LIES.**

20 (a) FISCAL YEAR 1995.—Of the funds authorized to
21 be appropriated by section 301(5), \$14,500,000 shall be
22 available for obtaining emergency communications services
23 for members of the Armed Forces and their families from
24 the American National Red Cross.

1 (b) FISCAL YEARS 1996 AND 1997.—Of the amounts
 2 authorized to be appropriated for the Department of De-
 3 fense for fiscal years 1996 and 1997 for operation and
 4 maintenance for Defense-wide activities, \$14,500,000
 5 shall be available for each such fiscal year for obtaining
 6 emergency communications services for members of the
 7 Armed Forces and their families from the American Na-
 8 tional Red Cross.

9 **SEC. 356. MARITIME PREPOSITIONING SHIP ENHANCE-**
 10 **MENT.**

11 Section 2218 of title 10, United States Code, is
 12 amended by adding at the end of subsection (f) the follow-
 13 ing new paragraph:

14 “(3) Not more than three vessels built in foreign
 15 shipyards may be purchased for the Marine Corps mari-
 16 time prepositioning ship program with funds in the Na-
 17 tional Defense Sealift Fund. Vessels purchased under the
 18 authority of this paragraph may not be counted for pur-
 19 poses of the limitation in paragraph (1).”.

20 **TITLE IV—MILITARY**
 21 **PERSONNEL AUTHORIZATIONS**
 22 **Subtitle A—Active Forces**

23 **SEC. 401. END STRENGTHS FOR ACTIVE FORCES.**

24 The Armed Forces are authorized strengths for active
 25 duty personnel as of September 30, 1995, as follows:

- 1 (1) The Army, 510,000.
- 2 (2) The Navy, 441,641.
- 3 (3) The Marine Corps, 174,000.
- 4 (4) The Air Force, 400,051.

5 **SEC. 402. EXTENSION OF TEMPORARY VARIATION OF END**

6 **STRENGTH LIMITATIONS FOR MARINE CORPS**

7 **MAJORS AND LIEUTENANT COLONELS.**

8 (a) EXTENSION OF AUTHORITY.—Subsection (a) of

9 section 402 of the National Defense Authorization Act for

10 Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1639;

11 10 U.S.C. 523 note) is amended by striking out “and

12 1995” and inserting in lieu thereof “through 1997”

13 (b) LIMITATION.—The table in subsection (b) of such

14 section is amended to read as follows:

“Fiscal year:	Number of officers who may be serving on active duty in the grade of:	
	Major	Lieutenant colonel
1994	3,023	1,578
1995	3,157	1,634
1996	3,157	1,634
1997	3,157	1,634.”.

15 (c) CLERICAL AMENDMENT.—The caption of sub-

16 section (b) of such section is amended by striking out

17 “AND 1995.—” and inserting in lieu thereof “THROUGH

18 1997.—”.

1 **SEC. 403. RETENTION OF AUTHORIZED STRENGTH OF GEN-**
 2 **ERAL OFFICERS ON ACTIVE DUTY IN THE MA-**
 3 **RINE CORPS FOR FISCAL YEARS AFTER FIS-**
 4 **CAL YEAR 1995.**

5 Section 526(a)(4) of title 10, United States Code, is
 6 amended by striking out “before October 1, 1995,” and
 7 all that follows through “that date”.

8 **SEC. 404. EXCEPTION TO LIMITATION ON NUMBER OF GEN-**
 9 **ERAL OFFICERS AND FLAG OFFICERS SERV-**
 10 **ING ON ACTIVE DUTY.**

11 Section 525(b) of title 10, United States Code, is
 12 amended by adding at the end the following new para-
 13 graph:

14 “(5)(A) Subject to subparagraph (C), an officer while
 15 serving in a position referred to in subparagraph (B), if
 16 serving in the grade of general or admiral, is in addition
 17 to the number that would otherwise be permitted for that
 18 officer’s armed force for that grade under paragraph (1)
 19 or (2).

20 “(B) Subparagraph (A) applies to the following posi-
 21 tions:

22 “(i) Commander in Chief of a combatant com-
 23 mand.

24 “(ii) Commander, United States Forces, Korea.

25 “(iii) Deputy Commander in Chief, United
 26 States European Command, but only while the Com-

1 mander in Chief of such command is also the Su-
 2 preme Allied Commander Europe.

3 “(C) Subparagraph (A) does not apply to an officer
 4 serving in a position referred to in subparagraph (B) un-
 5 less the Secretary of Defense, when considering that offi-
 6 cer for recommendation to the President for appointment
 7 to such position, concurrently considered one officer from
 8 each of the other armed forces (other than the Coast
 9 Guard) for recommendation to the President for appoint-
 10 ment to the position.

11 “(D) The Chairman of the Joint Chiefs of Staff may
 12 recommend officers to the Secretary of Defense for consid-
 13 eration by the President for appointment to any of the
 14 positions referred to in subparagraph (B).

15 “(E) This paragraph shall cease to be effective at the
 16 end of September 30, 1997.”.

17 **SEC. 405. TEMPORARY EXCLUSION OF SUPERINTENDENT**
 18 **OF NAVAL ACADEMY FROM COUNTING TO-**
 19 **WARD NUMBER OF SENIOR ADMIRALS AU-**
 20 **THORIZED TO BE ON ACTIVE DUTY.**

21 (a) GRADE RELIEF.—If the next officer appointed to
 22 serve as Superintendent of the United States Naval Acad-
 23 emy after April 1, 1994, is an officer described in sub-
 24 section (b), that officer, while so serving, shall not be

1 counted for purposes of the limitations contained in sec-
 2 tion 525(b)(2) of title 10, United States Code.

3 (b) QUALIFYING OFFICER.—Subsection (a) applies in
 4 the case of a retired officer who—

5 (1) holds the grade of admiral on the retired
 6 list;

7 (2) is ordered to active duty pursuant to section
 8 688 of title 10, United States Code, to serve as Su-
 9 perintendent of the United States Naval Academy;
 10 and

11 (3) is appointed pursuant to section 601 of that
 12 title to have the grade of admiral while serving on
 13 active duty in that position.

14 **Subtitle B—Reserve Forces**

15 **SEC. 411. END STRENGTHS FOR SELECTED RESERVE.**

16 (a) IN GENERAL.—The Armed Forces are authorized
 17 strengths for Selected Reserve personnel of the reserve
 18 components as of September 30, 1995, as follows:

19 (1) The Army National Guard of the United
 20 States, 400,000.

21 (2) The Army Reserve, 242,000.

22 (3) The Naval Reserve, 109,000.

23 (4) The Marine Corps Reserve, 42,000.

24 (5) The Air National Guard of the United
 25 States, 115,581.

1 (6) The Air Force Reserve, 78,706.

2 (7) The Coast Guard Reserve, 8,000.

3 (b) WAIVER AUTHORITY.—The Secretary of Defense
4 may increase the end strength authorized by subsection
5 (a) by not more than 2 percent.

6 (c) ADJUSTMENTS.—The end strengths prescribed by
7 subsection (a) for the Selected Reserve of any reserve com-
8 ponent shall be reduced proportionately by—

9 (1) the total authorized strength of units orga-
10 nized to serve as units of the Selected Reserve of
11 such component which are on active duty (other
12 than for training) at the end of the fiscal year, and

13 (2) the total number of individual members not
14 in units organized to serve as units of the Selected
15 Reserve of such component who are on active duty
16 (other than for training or for unsatisfactory partici-
17 pation in training) without their consent at the end
18 of the fiscal year.

19 Whenever such units or such individual members are re-
20 leased from active duty during any fiscal year, the end
21 strength prescribed for such fiscal year for the Selected
22 Reserve of such reserve component shall be increased pro-
23 portionately by the total authorized strengths of such
24 units and by the total number of such individual members.

1 **SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE**
 2 **DUTY IN SUPPORT OF THE RESERVES.**

3 Within the end strengths prescribed in section
 4 411(a), the reserve components of the Armed Forces are
 5 authorized, as of September 30, 1995, the following num-
 6 ber of Reserves to be serving on full-time active duty or,
 7 in the case of members of the National Guard, full-time
 8 National Guard duty for the purpose of organizing, ad-
 9 ministering, recruiting, instructing, or training the reserve
 10 components:

11 (1) The Army National Guard of the United
 12 States, 23,650.

13 (2) The Army Reserve, 11,940.

14 (3) The Naval Reserve, 17,510.

15 (4) The Marine Corps Reserve, 2,285.

16 (5) The Air National Guard of the United
 17 States, 9,098.

18 (6) The Air Force Reserve, 648.

19 **Subtitle C—Military Training**
 20 **Student Loads**

21 **SEC. 421. AUTHORIZATION OF TRAINING STUDENT LOADS.**

22 (a) IN GENERAL.—For fiscal year 1995, the Armed
 23 Forces are authorized average military training student
 24 loads as follows:

25 (1) The Army, 69,420.

26 (2) The Navy, 43,064.

1 (3) The Marine Corps, 25,377.

2 (4) The Air Force, 36,840.

3 (b) SCOPE.—The average military training student
4 load authorized for an armed force under subsection (a)
5 applies to the active and reserve components of that armed
6 force.

7 (c) ADJUSTMENTS.—The average military training
8 student loads authorized in subsection (a) shall be ad-
9 justed consistent with the end strengths authorized in sub-
10 titles A and B. The Secretary of Defense shall prescribe
11 the manner in which such adjustments shall be appor-
12 tioned.

13 **Subtitle D—Authorization of**
14 **Appropriations**

15 **SEC. 431. AUTHORIZATION OF APPROPRIATIONS FOR MILI-**
16 **TARY PERSONNEL.**

17 There is hereby authorized to be appropriated to the
18 Department of Defense for military personnel for fiscal
19 year 1995 a total of \$70,790,397,000. The authorization
20 in the preceding sentence supersedes any other authoriza-
21 tion of appropriations (definite or indefinite) for such pur-
22 pose for fiscal year 1995.

1 **Subtitle E—Other Matters**

2 **SEC. 441. REPEAL OF REQUIRED REDUCTION IN RECRUIT-**
3 **ING PERSONNEL.**

4 Section 431 of the National Defense Authorization
5 Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat.
6 2400) is repealed.

7 **TITLE V—MILITARY PERSONNEL**
8 **POLICY**

9 **Subtitle A—Officer Personnel**
10 **Policy**

11 **SEC. 501. SERVICE ON SUCCESSIVE SELECTION BOARDS.**

12 (a) SERVICE ON SUCCESSIVE BOARDS AUTHOR-
13 IZED.—Section 628 of title 10, United States Code, is
14 amended by adding at the end the following new sub-
15 section:

16 “(f)(1) A special selection board convened under this
17 section shall be composed in accordance with section 612
18 of this title or, in the case of a warrant officer, composed
19 in accordance with section 573 of this title and regulations
20 prescribed by the Secretary of the military department
21 concerned, except that the prohibitions on service on suc-
22 cessive selection boards set forth in sections 612(b) and
23 573(e) of this title do not apply to service on successive
24 selection boards authorized under paragraph (2).

1 “(2) An officer may serve on a selection board con-
 2 vened under section 611(a) of this title or, in the case of
 3 a warrant officer, section 573(a) of this title and on a suc-
 4 cessive special selection board convened under this section
 5 if the service on the successive board is approved by the
 6 Secretary of the military department concerned and the
 7 successive board does not consider any officer who was
 8 considered by the first board.”.

9 (b) CONFORMING AMENDMENT.—Subsections (a)(1)
 10 and (b)(1) of section 628 of such title are amended by
 11 striking out “(composed in accordance with” and all that
 12 follows through “concerned)” and inserting in lieu thereof
 13 “(composed as provided in subsection (f))”.

14 **SEC. 502. PROMOTION AND OTHER CAREER MANAGEMENT**
 15 **MATTERS RELATING TO WARRANT OFFICERS**
 16 **ON ACTIVE-DUTY LISTS.**

17 (a) EXCEPTION FROM MANDATORY CONSIDERATION
 18 BY PROMOTION SELECTION BOARD.—Section 575(d) of
 19 such title is amended by inserting “(except for warrant
 20 officers precluded from consideration under regulations
 21 prescribed by the Secretary concerned under section 577
 22 of this title)” after “under consideration”.

23 (b) SECRETARIAL SUBMISSION OF PROMOTION SE-
 24 LECTION BOARD REPORT.—Section 576(f)(1) of such title
 25 is amended by striking out the second sentence.

1 (c) PROMOTION FORMALITIES DEEMED COM-
2 PLETED.—Section 578 of such title is amended by adding
3 at the end the following new subsections:

4 “(e) A warrant officer who is appointed to a higher
5 grade under this section is considered to have accepted
6 such appointment on the date on which the appointment
7 is made unless the officer expressly declines the appoint-
8 ment.

9 “(f) A warrant who has served continuously as an
10 officer since the officer took the oath of office set forth
11 under section 3331 of title 5 is not required to take a
12 new oath upon appointment to a higher grade under this
13 section.”.

14 (d) WARRANT OFFICERS SUBJECT TO MANAGEMENT
15 AUTHORITIES.—Section 582(2) of such title is amended
16 by inserting before the period at the end the following:
17 “(other than such officers recalled to active duty before
18 February 1, 1992, who have served continuously on active
19 duty since such date)”.

1 **SEC. 503. ENLISTMENT OR RETIREMENT OF NAVY AND MA-**
2 **RINE CORPS LIMITED DUTY OFFICERS HAV-**
3 **ING TWICE FAILED OF SELECTION FOR PRO-**
4 **MOTION.**

5 (a) **AUTHORITY.**—Subsection (f) of section 6383 of
6 title 10, United States Code, is amended to read as
7 follows:

8 “(f)(1) An officer subject to discharge under sub-
9 section (b), (d), or (e) who is not eligible for retirement
10 or for retention under paragraph (2) may, upon the offi-
11 cer’s request and in the discretion of the Secretary of the
12 Navy, be enlisted in the grade prescribed by the Secretary.

13 “(2) If an officer subject to discharge under sub-
14 section (b) or (d) is within two years of qualifying for re-
15 tirement under section 6323 of this title as of the date
16 on which the officer is to be discharged, the officer shall
17 be retained on active duty until becoming qualified for re-
18 tirement under that section (unless sooner retired or dis-
19 charged under another provision of law) and shall then
20 be retired.”.

21 (b) **CONFORMING AMENDMENTS.**—Section 6383 of
22 such title is amended—

23 (1) in subsection (i), by striking out “or the
24 discharge under subsection (d)” and inserting in lieu
25 thereof “or the discharge under subsection (b) or
26 (d)”;

1 (2) by striking out subsection (g);

2 (3) by redesignating subsections (h), (i), and (j)

3 as subsections (g), (h), and (i), respectively; and

4 (4) in subsections (a), (b), and (d), by striking

5 out “Except as provided in subsection (i),” each

6 place it appears and inserting in lieu thereof “Ex-

7 cept as provided in subsection (h),”.

8 **SEC. 504. EDUCATIONAL REQUIREMENTS FOR APPOINT-**

9 **MENT IN RESERVE COMPONENTS IN GRADES**

10 **ABOVE FIRST LIEUTENANT OR LIEUTENANT**

11 **(JUNIOR GRADE).**

12 Section 596(a) of title 10, United States Code, is

13 amended—

14 (1) by inserting “(1)” after “(a) IN GEN-

15 ERAL.—”;

16 (2) by striking out “an accredited educational

17 institution” and inserting in lieu thereof “an edu-

18 cational institution described in paragraph (2)”;

19 (3) by adding at the end the following new

20 paragraph:

21 “(2) An educational institution referred to in para-

22 graph (1) is—

23 “(A) an accredited educational institution; or

24 “(B) an unaccredited educational institution if

25 at least three accredited educational institutions gen-

1 erally grant baccalaureate degree credit for comple-
 2 tion of courses of the unaccredited institution equiv-
 3 alent to the baccalaureate degree credit granted by
 4 the unaccredited institution for the completion of
 5 such courses.”.

6 **SEC. 505. LIMITED EXCEPTION FROM BACCALAUREATE DE-**
 7 **GREE REQUIREMENT FOR ALASKA SCOUT OF-**
 8 **FICERS.**

9 Section 596 of title 10, United States Code, is
 10 amended—

11 (1) by adding at the end of subsection (b) the
 12 following new paragraph:

13 “(5) The appointment of an Alaska Native re-
 14 ferred to in subsection (c) to, or recognition of such
 15 a person in, a higher grade (not above major) of the
 16 Alaska Army National Guard while such person is
 17 serving in a Scout unit or a Scout supporting unit.”;
 18 and

19 (2) by adding at the end the following new sub-
 20 section:

21 “(c) PERSONS COVERED BY ALASKA SCOUT EXCEP-
 22 TION.—(1) Subsection (b)(5) applies to an Alaska Native
 23 who resides permanently at a location in Alaska that is
 24 more than 50 miles from the cities of Anchorage, Fair-
 25 banks, and Juneau, Alaska.

1 “(2) In paragraph (1), the term ‘Alaska Native’ has
 2 the meaning given the term ‘Native’ in section 3(b) of the
 3 Alaska Native Claims Settlement Act (43 U.S.C.
 4 1602(b)).”.

5 **Subtitle B—Reserve Component** 6 **Matters**

7 **SEC. 511. REVIEW OF OPPORTUNITIES FOR ORDERING IN-** 8 **DIVIDUAL RESERVES TO ACTIVE DUTY WITH** 9 **CONSENT.**

10 (a) REVIEW REQUIRED.—The Secretary of Defense
 11 shall—

12 (1) review the opportunities for individual mem-
 13 bers of the reserve components of the Armed Forces
 14 to be ordered to active duty, with the consent of the
 15 members concerned, during peacetime in positions
 16 traditionally filled by active duty personnel; and

17 (2) identify and remove any impediments, in
 18 regulations or other administrative rules, to increas-
 19 ing such opportunities.

20 (b) REPORT.—Not later than 90 days after the date
 21 of the enactment of this Act, the Secretary shall submit
 22 to the Committees on Armed Services of the Senate and
 23 the House of Representatives a report on the results of
 24 the review. The report shall contain—

1 (1) a plan for increasing the opportunities for
 2 individual members of the reserve components of the
 3 Armed Forces to be ordered to active duty, with the
 4 consent of the members concerned, during peacetime
 5 in positions traditionally filled by active duty person-
 6 nel; and

7 (2) any additional legislation that the Secretary
 8 considers necessary in order to increase such oppor-
 9 tunities.

10 **SEC. 512. INCREASED PERIOD OF ACTIVE DUTY SERVICE**
 11 **FOR SELECTED RESERVE FORCES MOBI-**
 12 **LIZED OTHER THAN DURING WAR OR NA-**
 13 **TIONAL EMERGENCY.**

14 (a) REVISION TO PERIOD OF EXTENSION OF ACTIVE
 15 DUTY.—Section 673b of title 10, United States Code, is
 16 amended—

17 (1) in subsection (a), by striking out “90 days.”
 18 and inserting in lieu thereof “180 days.”; and

19 (2) by striking out subsection (i).

20 (b) REPORT REQUIRED.—(1) Not later than April 1,
 21 1995, the Secretary of Defense shall submit to the con-
 22 gressional defense committees a report on increasing the
 23 authority of the President to order units and members of
 24 the reserve components to active duty without the consent
 25 of the members concerned.

1 (2) The report shall include the following:

2 (A) An analysis of options for increased presi-
3 dential authority.

4 (B) An assessment of the effects of each option
5 on recruiting, retention, employer support for the re-
6 serve components, and the families of members of
7 the reserve components.

8 (C) Programs that the Secretary recommends
9 to mitigate any negative effects.

10 (D) Any option that the Secretary recommends.

11 (E) Any proposed legislation that the Secretary
12 considers necessary to implement any recommended
13 option.

14 **SEC. 513. REPEAL OF OBSOLETE PROVISIONS PERTAINING**
15 **TO TRANSFER OF REGULAR ENLISTED MEM-**
16 **BERS TO RESERVE COMPONENTS.**

17 (a) ARMY.—Section 3914 of title 10, United States
18 Code, is amended by striking out the second and third
19 sentences.

20 (b) AIR FORCE.—Section 8914 of such title, is
21 amended by striking out the second and third sentences.

Subtitle C—Other Matters

SEC. 521. REVIEW OF CERTAIN DISMISSALS FROM THE UNITED STATES MILITARY ACADEMY.

(a) REVIEW REQUIRED.—The Secretary of the Army shall promptly carry out a thorough review of the dismissals from the Corps of Cadets of the United States Military Academy of James Webster Smith in 1874 and Johnson Chesnut Whittaker in 1882.

(b) PURPOSES OF REVIEW.—The purpose of each review shall be to determine the validity of the original proceedings and the extent, if any, to which racial prejudice or other improper factors now known may have tainted the original proceedings.

(c) CORRECTION OF RECORDS.—If the Secretary determines that the dismissal of James Webster Smith or Johnson Chesnut Whittaker was in error or an injustice, the Secretary may correct that person's military records (including the records of proceedings in such case).

(d) POSTHUMOUS COMMISSION.—Upon recommendation of the Secretary in the case of James Webster Smith or Johnson Chesnut Whittaker, the President may issue in the name of James Webster Smith or Johnson Chesnut Whittaker, as the case may be, a posthumous commission as an officer in the regular Army in the grade of second lieutenant. Sections 1521(b) and 1523 of title 10, United

1 States Code, shall apply with respect to a commission so
2 issued.

3 **TITLE VI—COMPENSATION AND**
4 **OTHER PERSONNEL BENEFITS**
5 **Subtitle A—Pay and Allowances**

6 **SEC. 601. MILITARY PAY RAISE FOR FISCAL YEAR 1995.**

7 (a) WAIVER OF SECTION 1009 ADJUSTMENT.—Any
8 adjustment required by section 1009 of title 37, United
9 States Code, in elements of compensation of members of
10 the uniformed services to become effective during fiscal
11 year 1995 shall not be made.

12 (b) INCREASE IN BASIC PAY, BAS, AND BAQ.—Ef-
13 fective on January 1, 1995, the rates of basic pay, basic
14 allowance for subsistence, and basic allowance for quarters
15 of members of the uniformed services are increased by 2.6
16 percent.

17 **Subtitle B—Bonuses and Special**
18 **and Incentive Pays**

19 **SEC. 611. EXTENSION OF CERTAIN BONUSES FOR RESERVE**
20 **FORCES.**

21 (a) SELECTED RESERVE REENLISTMENT BONUS.—
22 Section 308b(f) of title 37, United States Code, is amend-
23 ed by striking out “September 30, 1995” and inserting
24 in lieu thereof “September 30, 1996”.

1 (b) SELECTED RESERVE ENLISTMENT BONUS.—Sec-
 2 tion 308c(e) of title 37, United States Code, is amended
 3 by striking out “September 30, 1995” and inserting in
 4 lieu thereof “September 30, 1996”.

5 (c) SELECTED RESERVE AFFILIATION BONUS.—Sec-
 6 tion 308e(e) of title 37, United States Code, is amended
 7 by striking out “September 30, 1995” and inserting in
 8 lieu thereof “September 30, 1996”.

9 (d) READY RESERVE ENLISTMENT AND REENLIST-
 10 MENT BONUS.—Section 308h(g) of title 37, United States
 11 Code, is amended by striking out “September 30, 1995”
 12 and inserting in lieu thereof “September 30, 1996”.

13 (e) PRIOR SERVICE ENLISTMENT BONUS.—Section
 14 308i(i) of title 37, United States Code, is amended by
 15 striking out “September 30, 1995” and inserting in lieu
 16 thereof “September 30, 1996”.

17 **SEC. 612. EXTENSION AND MODIFICATION OF CERTAIN BO-**
 18 **NUSES AND SPECIAL PAY FOR NURSE OFFI-**
 19 **CER CANDIDATES, REGISTERED NURSES,**
 20 **AND NURSE ANESTHETISTS.**

21 (a) NURSE OFFICER CANDIDATE ACCESSION PRO-
 22 GRAM.—Section 2130a(a)(1) of title 10, United States
 23 Code, is amended by striking out “September 30, 1995,”
 24 and inserting in lieu thereof “September 30, 1998,”.

1 (b) ACCESSION BONUS FOR REGISTERED NURSES.—
 2 Section 302d(a)(1) of title 37, United States Code, is
 3 amended by striking out “September 30, 1995,” and in-
 4 serting in lieu thereof “September 30, 1998,”.

5 (c) INCENTIVE SPECIAL PAY FOR NURSE ANES-
 6 THETISTS.—Section 302e(a)(1) of title 37, United States
 7 Code, is amended—

8 (1) by striking out “September 30, 1995,” and
 9 inserting in lieu thereof “September 30, 1998,”; and

10 (2) by striking out “\$6,000” and inserting in
 11 lieu thereof “\$15,000”.

12 **SEC. 613. EXTENSION OF AUTHORITY RELATING TO PAY-**
 13 **MENT OF OTHER BONUSES AND SPECIAL**
 14 **PAYS.**

15 (a) AVIATION OFFICER RETENTION BONUS.—Sec-
 16 tion 301b(a) of title 37, United States Code, is amended
 17 by striking out “September 30, 1994” and inserting in
 18 lieu thereof “September 30, 1995”.

19 (b) REENLISTMENT BONUS FOR ACTIVE MEM-
 20 BERS.—Section 308(g) of title 37, United States Code, is
 21 amended by striking out “September 30, 1995” and in-
 22 serting in lieu thereof “September 30, 1996”.

23 (c) ENLISTMENT BONUSES FOR CRITICAL SKILLS.—
 24 Sections 308a(c) and 308f(c) of title 37, United States
 25 Code, are each amended by striking out “September 30,

1 1995” and inserting in lieu thereof “September 30,
2 1996”.

3 (d) SPECIAL PAY FOR ENLISTED MEMBERS OF THE
4 SELECTED RESERVE ASSIGNED TO CERTAIN HIGH PRI-
5 ORITY UNITS.—Section 308d(c) of title 37, United States
6 Code, is amended by striking out “September 30, 1995”
7 and inserting in lieu thereof “September 30, 1996”.

8 (e) REPAYMENT OF EDUCATION LOANS FOR CER-
9 TAIN HEALTH PROFESSIONALS WHO SERVE IN THE SE-
10 LECTED RESERVE.—Section 2172(d) of title 10, United
11 States Code, is amended by striking out “October 1,
12 1995” and inserting in lieu thereof “October 1, 1996”.

13 (f) SPECIAL PAY FOR CRITICALLY SHORT WARTIME
14 HEALTH SPECIALISTS IN THE SELECTED RESERVES.—
15 Section 613(d) of the National Defense Authorization Act,
16 Fiscal Year 1989 (37 U.S.C. 302 note) is amended by
17 striking out “September 30, 1995” and inserting in lieu
18 thereof “September 30, 1996”.

19 (g) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFI-
20 CERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section
21 312(e) of title 37, United States Code, is amended by
22 striking out “September 30, 1995” and inserting in lieu
23 thereof “September 30, 1996”.

24 (h) NUCLEAR CAREER ACCESSION BONUS.—Section
25 312b(c) of title 37, United States Code, is amended by

1 striking out “September 30, 1995,” and inserting in lieu
2 thereof “September 30, 1996,”.

3 (i) NUCLEAR CAREER ANNUAL INCENTIVE BONUS.—
4 Section 312c(d) of title 37, United States Code, is amend-
5 ed by striking out “October 1, 1995” and inserting in lieu
6 thereof “October 1, 1996”.

7 **Subtitle C—Travel and** 8 **Transportation Allowances**

9 **SEC. 621. RESPONSIBILITY FOR PREPARATION OF TRANS-**
10 **PORTATION MILEAGE TABLES.**

11 Section 404(d)(1)(A) of title 37, United States Code,
12 is amended by striking out “the Secretary of the Army”
13 and inserting in lieu thereof “the Secretary of Defense”.

14 **Subtitle D—Retired Pay and** 15 **Survivor Benefits**

16 **SEC. 631. CLARIFICATION OF CALCULATION OF RETIRED**
17 **PAY FOR OFFICERS WHO RETIRE IN A GRADE**
18 **LOWER THAN THE GRADE HELD AT RETIRE-**
19 **MENT.**

20 (a) PREVENTION OF RETIRED PAY BASED ON
21 GRADE HIGHER THAN RETIRED GRADE.—Section
22 1401a(f) of title 10, United States Code, is amended—
23 (1) in the first sentence, by inserting “based on
24 the grade in which the member is retired” after “at
25 an earlier date”;

1 (2) in the second sentence, by inserting “, ex-
 2 cept that such computation may not be based on a
 3 rate of basic pay for a grade higher than the grade
 4 in which the member is retired” before the period at
 5 the end; and

6 (3) by striking out the third sentence.

7 (b) EFFECTIVE DATE.—The amendments made by
 8 subsection (a) shall apply with respect to the computation
 9 of the retired pay of a member of the armed forces who
 10 retires on or after the date of the enactment of this Act.

11 **SEC. 632. CREDITING OF RESERVE SERVICE OF ENLISTED**
 12 **MEMBERS FOR COMPUTATION OF RETIRED**
 13 **PAY.**

14 (a) ARMY.—(1) Section 3925 of title 10, United
 15 States Code, is amended—

16 (A) in subsection (a), by striking out “and of
 17 computing his retired pay under section 3991 of this
 18 title,”; and

19 (B) by striking out subsection (c).

20 (2) Section 3991 of such title is amended—

21 (A) in subsection (a)—

22 (i) by striking out paragraph (1) and in-
 23 serting in lieu thereof the following:

24 “(1) FORMULA.—The monthly retired pay of a
 25 member entitled to such pay under this subtitle by

1 reason of retirement under a provision of law re-
2 ferred to in paragraph (3) is computed by multiply-
3 ing the retired pay base (as computed under section
4 1406(c) or 1407 of this title) by the retired pay mul-
5 tiplier prescribed in section 1409 of this title for the
6 number of years credited to the member under sec-
7 tion 1405 of this title.”; and

8 (ii) by adding at the end the following new
9 paragraph:

10 “(3) APPLICABILITY.—Paragraph (1) applies to
11 a member retired under the authority of section
12 3911, 3914, 3917, 3918, 3920, or 3924 of this
13 title.”; and

14 (B) in subsection (b), by striking out paragraph
15 (3).

16 (3) The text of section 3992 of such title is amended
17 to read as follows:

18 “(a) RECOMPUTATION REQUIRED.—An enlisted
19 member or warrant officer of the Army who is advanced
20 on the retired list under section 3964 of this title is enti-
21 tled to recompute the member’s or officer’s retired pay in
22 accordance with this section.

23 “(b) FORMULA.—To recompute an enlisted member’s
24 retired pay or a warrant officer’s retired pay, multiply the
25 retired pay base (as computed under section 1406(c) or

1 1407 of this title) by the retired pay multiplier prescribed
 2 in section 1409 of this title for the number of years cred-
 3 ited to the member or officer under section 1405 of this
 4 title.

5 “(c) ROUNDING TO NEXT LOWER DOLLAR.—The
 6 amount computed under subsection (b), if not a multiple
 7 of \$1, shall be rounded to the next lower multiple of \$1.”.

8 (b) NAVY AND MARINE CORPS.—The table in section
 9 6333(a) of title 10, United States Code, is amended by
 10 striking out “his years of active service in the armed
 11 forces” in formula C under the column designated “Col-
 12 umn 2” and inserting in lieu thereof “the years of service
 13 credited to him under section 1405”.

14 (c) AIR FORCE.—(1) Section 8925 of title 10, United
 15 States Code, is amended—

16 (A) in subsection (a), by striking out “and of
 17 computing his retired pay under section 8991 of this
 18 title,”; and

19 (B) by striking out subsection (c).

20 (2) Section 8991 of such title is amended—

21 (A) in subsection (a)—

22 (i) by striking out paragraph (1) and in-
 23 serting in lieu thereof the following:

24 “(1) FORMULA.—The monthly retired pay of a
 25 member entitled to such pay under this subtitle by

1 reason of retirement under a provision of law re-
2 ferred to in paragraph (3) is computed by multiply-
3 ing the retired pay base (as computed under section
4 1406(e) or 1407 of this title) by the retired pay mul-
5 tiplier prescribed in section 1409 of this title for the
6 number of years credited to the member under sec-
7 tion 1405 of this title.”; and

8 (ii) by adding at the end the following new
9 paragraph:

10 “(3) APPLICABILITY.—Paragraph (1) applies to
11 a member retired under the authority of section
12 8911, 8914, 8917, 8918, 8920, or 8924 of this
13 title.”; and

14 (B) in subsection (b), by striking out paragraph
15 (3).

16 (3) The text of section 8992 of such title is amended
17 to read as follows:

18 “(a) RECOMPUTATION REQUIRED.—An enlisted
19 member or warrant officer of the Air Force who is ad-
20 vanced on the retired list under section 8964 of this title
21 is entitled to recompute the member’s or officer’s retired
22 pay in accordance with this section.

23 “(b) FORMULA.—To recompute an enlisted member’s
24 retired pay or a warrant officer’s retired pay, multiply the
25 retired pay base (as computed under section 1406(e) or

1 1407 of this title) by the retired pay multiplier prescribed
 2 in section 1409 of this title for the number of years cred-
 3 ited to the member or officer under section 1405 of this
 4 title.

5 “(c) ROUNDING TO NEXT LOWER DOLLAR.—The
 6 amount computed under subsection (b), if not a multiple
 7 of \$1, shall be rounded to the next lower multiple of \$1.”.

8 (d) CONFORMING AMENDMENT.—Section 1405 of
 9 such title is amended by adding at the end the following
 10 new subsection:

11 “(c) EXCLUSION OF TIME REQUIRED TO BE MADE
 12 UP.—Time required to be made up by an enlisted member
 13 of the Army or Air Force under section 972 of this title
 14 may not be counted in determining years of service under
 15 subsection (a).”.

16 (e) EFFECTIVE DATE.—This section shall apply to
 17 the computation of the retired or retainer pay of any en-
 18 listed member who retires or is transferred to the Fleet
 19 Reserve or the Fleet Marine Corps Reserve on or after
 20 the date of the enactment of this Act.

21 **SEC. 633. FORFEITURE OF ANNUITY OR RETIRED PAY OF**
 22 **MEMBERS CONVICTED OF ESPIONAGE.**

23 (a) FORFEITURE.—Section 8312(b)(2)(A) of title 5,
 24 United States Code, is amended—

1 (1) by striking out “or article 106 (spies)” and
 2 inserting in lieu thereof “, article 106 (spies), or ar-
 3 ticle 106a (espionage)”; and

4 (2) by striking out “or article 106” and insert-
 5 ing in lieu thereof “, article 106, or article 106a”.

6 (b) EFFECTIVE DATE.—The amendment made by
 7 subsection (a) shall take effect on the date of the enact-
 8 ment of this Act and shall apply to persons convicted of
 9 espionage under section 906a of title 10, United States
 10 Code (article 106a of the Uniform Code of Military Jus-
 11 tice), on or after the date of the enactment of this Act.

12 **Subtitle E—Defense Conversion,**
 13 **Reinvestment, and Transition**
 14 **Assistance Matters**

15 **SEC. 641. ELIGIBILITY OF MEMBERS RETIRED UNDER TEM-**
 16 **PORARY SPECIAL RETIREMENT AUTHORITY**
 17 **FOR SERVICEMEN’S GROUP LIFE INSURANCE.**

18 (a) ELIGIBILITY.—Section 1965(5) of title 38, Unit-
 19 ed States Code, is amended—

20 (1) by striking out “and” at the end of sub-
 21 paragraph (C);

22 (2) by redesignating subparagraph (D) as sub-
 23 paragraph (E); and

24 (3) by inserting after subparagraph (C) the fol-
 25 lowing new subparagraph (D):

1 “(D) a person transferred to the Retired
2 Reserve of a uniformed service under the tem-
3 porary special retirement authority provided in
4 section 1331a of title 10 who has not received
5 the first increment of retirement pay or has not
6 reached sixty-one years of age; and”.

7 (b) INSURANCE COVERAGE.—Section 1967(a) of such
8 title is amended—

9 (1) by striking out “and” at the end of para-
10 graph (2);

11 (2) by adding “and” at the end of paragraph
12 (3);

13 (3) by inserting after paragraph (3) the follow-
14 ing:

15 “(4) any member assigned to the Retired Re-
16 serve of a uniform service who meets the qualifica-
17 tions set forth in section 1965(5)(D) of this title;”;
18 and

19 (4) in the second sentence, by inserting after
20 “section 1965(5)(C) of this title,” the following: “or
21 the first day a member of the Reserves meets the
22 qualifications of section 1965(5)(D) of this title,”.

23 (c) DURATION OF COVERAGE.—Section 1968(a) of
24 such title is amended—

1 (1) in the matter above paragraph (1), by strik-
2 ing out “section 1965(5)(B) or (C)” and inserting in
3 lieu thereof “subparagraphs (B), (C), or (D) of sec-
4 tion 1965(5)”;

5 (2) in paragraph (4)—

6 (A) by striking out “or” at the end of sub-
7 paragraph (A);

8 (B) by striking out the period at the end
9 of subparagraph (B) and inserting in lieu there-
10 of “; or”; and

11 (C) by adding at the end the following new
12 subparagraph:

13 “(C) unless on the date of such separation
14 or release the member is transferred to the Re-
15 tired Reserve of a uniformed service under the
16 temporary special retirement authority provided
17 in section 1331a of title 10, in which event the
18 insurance, unless converted to an individual pol-
19 icy under terms and conditions set forth in sec-
20 tion 1977(e) of this title, shall, upon timely
21 payment of premiums under terms prescribed
22 by the Secretary directly to the administrative
23 office established under section 1966(b) of this
24 title, continue in force until receipt of the first
25 increment of retirement pay by the member or

1 the member's sixty-first birthday, whichever oc-
2 curs earlier."; and

3 (3) by adding at the end the following:

4 "(6) with respect to a member of the Retired
5 Reserve who meets the qualifications of section
6 1965(5)(D) of this title, at such time as the member
7 receives the first increment of retirement pay, or the
8 member's sixty-first birthday, whichever occurs ear-
9 lier, subject to the timely payment of the initial and
10 subsequent premiums, under terms prescribed by the
11 Secretary, directly to the administrative office estab-
12 lished under section 1966(b) of this title.".

13 (d) DEDUCTIONS.—Section 1969 of such title is
14 amended—

15 (1) in subsection (a)(2)—

16 (A) by striking out "or is assigned" and
17 inserting in lieu thereof "is assigned"; and

18 (B) by inserting after "section 1965(5)(C)
19 of this title," the following: "or is assigned to
20 the Retired Reserve and meets the qualifica-
21 tions of section 1965(5)(D) of this title,"; and

22 (2) in subsection (e), by striking out "section
23 1965(5)(C)" in the first sentence and inserting in
24 lieu thereof "subparagraph (C) or (D) of section
25 1965(5)".

1 **SEC. 642. ANNUAL PAYMENTS FOR MEMBERS RETIRED**
2 **UNDER GUARD AND RESERVE TRANSITION**
3 **INITIATIVE.**

4 (a) ANNUAL PAYMENT FOR ONE TO FIVE YEARS.—
5 Subsection (d) of section 4416 of the Defense Conversion,
6 Reinvestment, and Transition Assistance Act of 1992 (di-
7 vision D of Public Law 102–484; 10 U.S.C. 1162 note)
8 is amended—

9 (1) by striking out “for 5 years” and inserting
10 in lieu thereof “for a period of years prescribed by
11 the Secretary concerned”;

12 (2) by striking out “5-year”; and

13 (3) by adding at the end the following: “A pe-
14 riod prescribed for purposes of this subsection may
15 not be less than one year nor more than five years.”.

16 (b) COMPUTATION OF ANNUAL PAYMENT.—Sub-
17 section (e) of such section is amended by adding at the
18 end the following:

19 “(3) In the case of a member who will attain 60 years
20 of age within one year after the date on which an annual
21 payment would otherwise be made to the member under
22 this section, the amount of the payment made on that date
23 shall be computed under this paragraph instead of para-
24 graph (1). The amount of such payment shall be equal
25 to $\frac{1}{12}$ of the product of—

1 “(A) the amount computed for the member
2 under paragraph (1); and

3 “(B) the number equal to $\frac{1}{30}$ of the total num-
4 ber of days in the period beginning on such date and
5 ending on the day before the date of the member’s
6 60th birthday.”.

7 (c) COORDINATION WITH RETIRED PAY.—Such sec-
8 tion is further amended by adding at the end the following:

9 “(i) COORDINATION WITH RETIRED PAY.—Fifty per-
10 cent of the monthly amount of retired pay payable under
11 chapter 67 of this title to a member who receives one or
12 more annual payments under this section shall be de-
13 ducted and withheld from such monthly amount of retired
14 pay. The deductions shall be terminated when the total
15 amount so deducted and withheld equals the total amount
16 paid to the member under this section. The amount de-
17 ducted and withheld from the last monthly payment of re-
18 tired pay before termination of deductions may be less
19 than 50 percent of the monthly amount.”.

20 **SEC. 643. INCREASED ELIGIBILITY AND APPLICATION PERI-**
21 **ODS FOR TROOPS-TO-TEACHERS PROGRAM.**

22 (a) PERIOD OF ELIGIBILITY.—Subsection (c) of sec-
23 tion 1151 of title 10, United States Code, is amended—

24 (1) in paragraph (1)(A), by striking out “seven-
25 year period beginning on October 1, 1992,” and in-

1 serting in lieu thereof “nine-year period beginning
2 on October 1, 1990,”; and

3 (2) by striking out paragraph (4).

4 (b) APPLICATION PERIOD.—Subsection (e)(1) of
5 such section is amended by striking out “submitted” in
6 the first sentence and all that follows through the end of
7 the second sentence and inserting in lieu thereof “timely
8 submitted to the Secretary of Defense. An application is
9 timely submitted if the application is submitted not later
10 than the latest date applicable to the applicant under this
11 paragraph. An application shall be submitted not later
12 than one year after the date of the discharge or release
13 of the applicant from active duty. In the case of an appli-
14 cant discharged or released from active duty before Janu-
15 ary 19, 1994, an application shall be submitted not later
16 than one year after the date of the enactment of the Na-
17 tional Defense Authorization Act for Fiscal Year 1995.
18 In the case of an applicant becoming educationally quali-
19 fied for teacher placement assistance in accordance with
20 subsection (c)(2), an application shall be submitted not
21 later than one year after the date on which the applicant
22 becomes educationally qualified.”.

1 **SEC. 644. ASSISTANCE FOR ELIGIBLE MEMBERS TO OBTAIN**
2 **EMPLOYMENT WITH LAW ENFORCEMENT**
3 **AGENCIES.**

4 (a) REVISED PROGRAM AUTHORITY.—Section 1152
5 of title 10, United States Code, is amended to read as
6 follows:

7 **“§ 1152. Assistance to eligible members and former**
8 **members to obtain employment with law**
9 **enforcement agencies**

10 “(a) PLACEMENT PROGRAM.—The Secretary of De-
11 fense may enter into an agreement with the Attorney Gen-
12 eral to establish or participate in a program to assist eligi-
13 ble members and former members of the armed forces to
14 obtain employment as law enforcement officers with State
15 law enforcement agencies, local law enforcement agencies,
16 or Indian tribes that perform law enforcement functions
17 (as determined by the Secretary of the Interior) following
18 the discharge or release of such members or former mem-
19 bers from active duty.

20 “(b) ELIGIBLE MEMBERS.—Any member or former
21 member who, during the 6-year period beginning on Octo-
22 ber 1, 1993, is separated from the armed forces with an
23 honorable discharge or is released from service on active
24 duty characterized as honorable by the Secretary con-
25 cerned shall be eligible to participate in a program covered
26 by an agreement referred to in subsection (a).

1 “(c) SELECTION.—In the selection of applicants for
2 participation in a program covered by an agreement re-
3 ferred to in subsection (a), preference shall be given to
4 a member or former member who—

5 “(1) is selected for involuntary separation, is
6 approved for separation under section 1174a or
7 1175 of this title, or retires pursuant to the author-
8 ity provided in section 4403 of Public Law 102–484
9 (10 U.S.C. 1293 note); and

10 “(2) has a military occupational specialty,
11 training, or experience related to law enforcement
12 (such as service as a member of the military police)
13 or satisfies such other criteria for selection as, in ac-
14 cordance with the agreement, the Secretary, the At-
15 torney General, or a participating State or local law
16 enforcement agency or participating Indian tribe
17 may prescribe.

18 “(d) GRANTS TO FACILITATE EMPLOYMENT.—(1)
19 The Secretary may provide funds to the Attorney General
20 for grants under this section to reimburse State law en-
21 forcement agencies, local law enforcement agencies, or In-
22 dian tribes that perform law enforcement functions (as
23 determined by the Secretary of the Interior) for costs, in-
24 cluding salary and fringe benefits, of employing members

1 or former members pursuant to a program referred to in
2 subsection (a).

3 “(2) No grant with respect to an eligible member or
4 former member may exceed a total of \$50,000.

5 “(3) Any grant with respect to an eligible member
6 or former member shall be disbursed within 5 years after
7 the date of the placement of a member or former member
8 with a participating law enforcement agency or Indian
9 tribe.

10 “(4) Preference in awarding grants through existing
11 law enforcement hiring programs shall be given to State
12 or local law enforcement agencies or Indian tribes that
13 agree to hire eligible members and former members.

14 “(e) ADMINISTRATIVE EXPENSES.—Ten percent of
15 the amount, if any, appropriated for a fiscal year to carry
16 out a program established pursuant to subsection (a) may
17 be used to administer the program.

18 “(f) REQUIREMENT FOR APPROPRIATION.—No mem-
19 ber or former member may be selected to participate in
20 the program established by this section unless a sufficient
21 amount of appropriated funds are available at the time
22 of the selection to satisfy the obligations to be incurred
23 by the United States under an agreement referred to in
24 subsection (a) that applies with respect to such member
25 or former member.”.

1 (b) CLERICAL AMENDMENT.—The item relating to
 2 such section in the table of sections at the beginning of
 3 chapter 58 of title 10, United States Code, is amended
 4 to read as follows:

“1152. Assistance to eligible members and former members to obtain employ-
 ment with law enforcement agencies.”.

5 **SEC. 645. TREATMENT OF RETIRED AND RETAINER PAY OF**
 6 **MEMBERS OF CADRE OF CIVILIAN COMMU-**
 7 **NITY CORPS.**

8 Section 159(c)(3) of the National and Community
 9 Service Act of 1990 (42 U.S.C. 12619(c)(3)) is amended
 10 by adding at the end the following: “In the case of a mem-
 11 ber of the permanent cadre who was recommended for ap-
 12 pointment in accordance with section 162(a)(2)(A) and is
 13 entitled to retired or retainer pay, section 5532 of title
 14 5, United States Code, shall not apply to reduce the mem-
 15 ber’s retired or retainer pay by reason of the member
 16 being paid as a member of the cadre.”.

17 **Subtitle F—Other Matters**

18 **SEC. 651. DISABILITY COVERAGE FOR OFFICER CAN-**
 19 **DIDATES GRANTED EXCESS LEAVE.**

20 (a) ELIGIBILITY FOR RETIREMENT.—Section 1201
 21 of title 10, United States Code, is amended—

22 (1) by inserting “(a) MEMBERS ON ACTIVE
 23 DUTY ENTITLED TO PAY.—” before “Upon a deter-
 24 mination”; and

1 (2) by adding at the end the following new sub-
2 section:

3 “(b) MEMBERS ON EXCESS LEAVE.—(1) Upon a de-
4 termination by the Secretary concerned that a member re-
5 ferred to in paragraph (2) is unfit to perform the duties
6 of the member’s office, grade, rank, or rating because of
7 a physical disability incurred during a period described in
8 such paragraph, the Secretary may retire the member,
9 with retired pay computed under section 1401 of this title,
10 if the Secretary also makes the determinations described
11 in paragraphs (1), (2), and (3) of subsection (a) with re-
12 gard to such member.

13 “(2) Paragraph (1) applies to a member of the armed
14 forces who, during a period of authorized absence—

15 “(A) is participating in a program leading to
16 appointment, designation, or assignment in the
17 armed forces in an officer category; and

18 “(B) is not entitled to basic pay by reason of
19 the application of section 502(b) of title 37 to such
20 absence.”.

21 (b) ELIGIBILITY FOR PLACEMENT ON TEMPORARY
22 DISABILITY RETIRED LIST.—Section 1202 of such title
23 is amended—

24 (1) by striking out “or any other members” and
25 inserting in lieu thereof “any other members”; and

1 (2) by inserting after “more than 30 days,” the
2 following: “or any member referred to in section
3 1201(b)(2) of this title”.

4 (c) ELIGIBILITY FOR SEPARATION.—Section 1203 of
5 such title is amended—

6 (1) by inserting “(a) MEMBERS ON ACTIVE
7 DUTY ENTITLED TO PAY.—” before “Upon a deter-
8 mination”;

9 (2) by striking out the second sentence (relating
10 to transfer to inactive status); and

11 (3) by adding at the end the following new sub-
12 sections:

13 “(b) MEMBERS ON EXCESS LEAVE.—Upon a deter-
14 mination by the Secretary concerned that a member re-
15 ferred to in paragraph (2) of section 1201(b) of this title
16 is unfit to perform the duties of the member’s office,
17 grade, rank, or rating because of a physical disability in-
18 curred during a period described in such paragraph, the
19 Secretary may separate the member, with severance pay
20 computed under section 1212 of this title, if the Secretary
21 also makes the determinations described in paragraphs
22 (1), (2), (3), and (4) of subsection (a) with regard to such
23 member.

24 “(c) TRANSFER TO INACTIVE STATUS LIST.—If a
25 member authorized to be separated under subsection (a)

1 or (b) is eligible for transfer to the inactive status list
 2 under section 1209 of this title, and so elects, the member
 3 shall be transferred to that list instead of being sepa-
 4 rated.”.

5 (d) CONFORMING AMENDMENTS.—(1) Chapter 61 of
 6 title 10, United States Code, is amended—

7 (A) by striking out the heading of section 1201
 8 and inserting in lieu thereof the following:

9 **“§ 1201. Regulars, members on active duty for more**
 10 **than 30 days, certain members on excess**
 11 **leave: retirement”;**

12 (B) by striking out the heading of section 1202
 13 and inserting in lieu thereof the following:

14 **“§ 1202. Regulars, members on active duty for more**
 15 **than 30 days, certain members on excess**
 16 **leave: temporary disability retired list”;**

17 and

18 (C) by striking out the heading of section 1203
 19 and inserting in lieu thereof the following:

20 **“§ 1203. Regulars, members on active duty for more**
 21 **than 30 days, certain members on excess**
 22 **leave: separation”.**

23 (2) The table of sections at the beginning of such
 24 chapter is amended by striking out the items relating to

1 sections 1201, 1202, and 1203 and inserting in lieu there-
 2 of the following:

“1201. Regulars, members on active duty for more than 30 days, certain mem-
 bers on excess leave: retirement.

“1202. Regulars, members on active duty for more than 30 days, certain mem-
 bers on excess leave: temporary disability retired list.

“1203. Regulars, members on active duty for more than 30 days, certain mem-
 bers on excess leave: separation.”.

3 (e) EFFECTIVE DATE.—The amendments made by
 4 this section shall take effect on the date of the enactment
 5 of this Act and apply with respect to physical disabilities
 6 incurred on or after such date.

7 **SEC. 652. USE OF MORALE, WELFARE, AND RECREATION**
 8 **FACILITIES BY MEMBERS OF RESERVE COM-**
 9 **ONENTS AND DEPENDENTS.**

10 Section 1065 of title 10, United States Code, is
 11 amended to read as follows:

12 **“§ 1065. Use of certain morale, welfare, and recre-**
 13 **ation facilities by members of reserve**
 14 **components and dependents**

15 “(a) MEMBERS OF THE SELECTED RESERVE.—Mem-
 16 bers of the Selected Reserve in good standing (as deter-
 17 mined by the Secretary concerned) shall be permitted to
 18 use MWR retail facilities on the same basis as members
 19 on active duty.

20 “(b) RETIREES UNDER AGE 60.—Members of the re-
 21 serve components who would be eligible for retired pay
 22 under chapter 67 of this title but for the fact that the

1 member is under 60 years of age shall be permitted to
2 use MWR retail facilities on the same basis as retired
3 members and retired former members of the Regular
4 Army, Regular Navy, Regular Air Force, and Regular Ma-
5 rine Corps.

6 “(c) MEMBERS OF READY RESERVE NOT IN SE-
7 LECTED RESERVE.—Subject to such regulations as the
8 Secretary of Defense may prescribe, members of the
9 Ready Reserve (other than members of the Selected Re-
10 serve) may be permitted to use MWR retail facilities on
11 the same basis as members serving on active duty.

12 “(d) DEPENDENTS.—(1) Dependents of members re-
13 ferred to in subsection (a) shall be permitted to use MWR
14 retail facilities on the same basis as dependents of mem-
15 bers on active duty.

16 “(2) Dependents of members referred to in sub-
17 section (b) shall be permitted to use MWR retail facilities
18 on the same basis as dependents of retired members and
19 retired former members of the Regular Army, Regular
20 Navy, Regular Air Force, and Regular Marine Corps.

21 “(e) MWR RETAIL FACILITY DEFINED.—In this sec-
22 tion, the term ‘MWR retail facilities’ means exchange
23 stores and other revenue generating facilities operated by
24 nonappropriated fund activities of the Department of De-

1 fense for the morale, welfare, and recreation of members
2 of the armed forces.”.

3 **SEC. 653. SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR**
4 **DEPARTMENT OF DEFENSE PERSONNEL OUT-**
5 **SIDE THE UNITED STATES.**

6 (a) IN GENERAL.—Chapter 53 of Title 10, United
7 States Code, is amended by adding at the end the follow-
8 ing new section:

9 **“§ 1060a. Special supplemental food program**

10 “(a) AUTHORITY.—The Secretary of Defense may
11 carry out a program to provide special supplemental food
12 benefits to members of the armed forces on duty at sta-
13 tions outside the United States (and its territories and
14 possessions) and to eligible civilians serving with, em-
15 ployed by, or accompanying the armed forces outside the
16 United States (and its territories and possessions).

17 “(b) FEDERAL PAYMENTS AND COMMODITIES.—For
18 the purpose of obtaining Federal payments and commod-
19 ities in order to carry out the program referred to in sub-
20 section (a), the Secretary of Agriculture shall make avail-
21 able to the Secretary of Defense from funds appropriated
22 for such purpose, the same payments and commodities as
23 are made for the special supplemental food program in
24 the United States under section 17 of the Child Nutrition
25 Act of 1966 (42 U.S.C. 1786).

1 “(c) PROGRAM ADMINISTRATION.—(1)(A) The Sec-
2 retary of Defense shall administer the program referred
3 to in subsection (a) and, except as provided in subpara-
4 graph (B), shall determine eligibility for program benefits
5 under the criterion published by the Secretary of Agri-
6 culture under section 17 of the Child Nutrition Act of
7 1966 (42 U.S.C. 1786).

8 “(B) The Secretary of Defense shall prescribe regula-
9 tions governing computation of income eligibility stand-
10 ards for families of individuals participating in the pro-
11 gram under this section.

12 “(2) The program benefits provided under the pro-
13 gram shall be similar to benefits provided by State and
14 local agencies in the United States.

15 “(d) DEPARTURE FROM STANDARDS.—The Sec-
16 retary of Defense may authorize departures from stand-
17 ards prescribed by the Secretary of Agriculture regarding
18 the supplemental foods to be made available in the pro-
19 gram when local conditions preclude strict compliance or
20 when such compliance is highly impracticable.

21 “(e) REGULATIONS.—The Secretary of Defense shall
22 prescribe regulations to administer the program author-
23 ized by this section.

24 “(f) DEFINITIONS.—In this section:

25 “(1) The term ‘eligible civilian’ means—

1 “(A) a dependent of a member of the
2 armed forces residing with the member outside
3 the United States;

4 “(B) an employee of a military department
5 who is a national of the United States and is
6 residing outside the United States in connection
7 with such individual’s employment or a depend-
8 ent of such individual residing with the em-
9 ployee outside the United States; or

10 “(C) an employee of a Department of De-
11 fense contractor who is a national of the United
12 States and is residing outside the United States
13 in connection with such individual’s employment
14 or a dependent of such individual residing with
15 the employee outside the United States.

16 “(2) The term ‘national of the United States’
17 means—

18 “(A) a citizen of the United States; or

19 “(B) a person who, though not a citizen of
20 the United States, owes permanent allegiance to
21 the United States (as defined in section
22 101(a)(22) of the Immigration and Nationality
23 Act (8 U.S.C. 1101(a)(22))).

1 “(3) The term ‘dependent’ has the meaning
 2 given such term in subparagraph (A), (D), (E), and
 3 (I) of section 1072(2) of this title.”.

4 (b) CLERICAL AMENDMENT.—The table of sections
 5 at the beginning of chapter 53 of title 10, United States
 6 Code, is amended by adding at the end the following new
 7 item:

“1060a. Special supplemental food program.”.

8 **SEC. 654. REIMBURSEMENT FOR CERTAIN LOSSES OF**
 9 **HOUSEHOLD EFFECTS CAUSED BY HOSTILE**
 10 **ACTION.**

11 (a) AUTHORITY TO REIMBURSE.—Chapter 163 of
 12 title 10, United States Code, is amended by adding at the
 13 end the following new section:

14 **“§ 2738. Reimbursement for certain losses of house-**
 15 **hold effects caused by hostile action**

16 “(a) AUTHORITY TO REIMBURSE.—The Secretary
 17 concerned or, subject to appeal to the Secretary, the Judge
 18 Advocate General of an armed force under the Secretary’s
 19 jurisdiction, or the Chief Counsel of the Coast Guard, as
 20 appropriate, if designated by the Secretary, may reim-
 21 burse a member of the armed forces in an amount not
 22 more than \$100,000 for a loss described in subsection (b).

23 “(b) COVERED LOSSES.—This section applies with
 24 respect to a loss of household effects sustained during a
 25 move made incident to a change of permanent station

1 when, as determined by the Secretary, the loss was caused
 2 by a hostile action incident to war or a warlike action by
 3 a military force.

4 “(c) LIMITATION.—The Secretary may provide reim-
 5 bursement under this section for a loss described in sub-
 6 section (b) only to the extent that the loss is not reim-
 7 bursed under insurance or under the authority of another
 8 provision of law.

9 “(d) APPLICABILITY OF OTHER AUTHORITIES AND
 10 REQUIREMENTS.—Subsections (b), (d), (e), (f), and (g)
 11 of section 2733 of this title shall apply to a request for
 12 a reimbursement under this section as if the request were
 13 a claim against the United States.”.

14 (b) CLERICAL AMENDMENT.—The table of sections
 15 at the beginning of such chapter is amended by adding
 16 at the end the following:

“2738. Reimbursement for certain losses of household effects caused by hostile
 action.”.

17 (c) EFFECTIVE DATE.—(1) Section 2738 of title 10,
 18 United States Code, as added by subsection (a), applies
 19 with respect to losses incurred after June 30, 1990.

20 (2) In the case of a loss incurred after June 30, 1990,
 21 and before the date of the enactment of this Act, a request
 22 for reimbursement shall be filed with the Secretary of the
 23 military department concerned not later than two years
 24 after such date of enactment.

1 **TITLE VII—HEALTH CARE**
 2 **PROVISIONS**

3 **SEC. 701. REVISION OF DEFINITION OF DEPENDENTS TO IN-**
 4 **CLUDE YOUNG PEOPLE BEING ADOPTED BY**
 5 **MEMBERS OR FORMER MEMBERS.**

6 (a) ELIGIBILITY FOR HEALTH BENEFITS.—Section
 7 1072 of title 10, United States Code, is amended—

8 (1) in paragraph (2)(D), by striking out the
 9 matter above clause (i) and inserting in lieu thereof
 10 the following:

11 “(D) a child who—”; and

12 (2) by adding at the end the following new
 13 paragraph:

14 “(6) The term ‘child’, with respect to a member
 15 or former member of a uniformed service, means the
 16 following:

17 “(A) An unmarried natural child.

18 “(B) An unmarried adopted child.

19 “(C) An unmarried stepchild.

20 “(D) An unmarried person—

21 “(i) who is placed in the home of the
 22 member or former member by a placement
 23 agency (recognized by the Secretary of De-
 24 fense) in anticipation of the legal adoption

1 of the person by the member or former
2 member; and

3 “(ii) who otherwise meets the require-
4 ments specified in paragraph (2)(D).”.

5 (b) CONFORMING AMENDMENT.—Section
6 401(b)(1)(B) of title 37, United States Code, is amended
7 by striking out “placement agency for the purpose of
8 adoption” and inserting in lieu thereof “placement agency
9 (recognized by the Secretary of Defense) in anticipation
10 of the legal adoption of the child by the member”.

11 **SEC. 702. AVAILABILITY OF DEPENDENTS’ DENTAL PRO-**
12 **GRAM OUTSIDE THE UNITED STATES.**

13 Section 1076a of title 10, United States Code, is
14 amended—

15 (1) by redesignating subsection (g) as sub-
16 section (h); and

17 (2) by inserting after subsection (f) the follow-
18 ing new subsection (g):

19 “(g) CARE OUTSIDE THE UNITED STATES.—The
20 Secretary shall exercise the authority provided under sub-
21 section (a) to establish basic dental benefits plans for pro-
22 viding dental benefits outside the United States for
23 spouses and children of members of the uniformed services
24 accompanying the members on permanent assignments to
25 duty outside the United States.”.

1 **SEC. 703. CONDITIONS UNDER WHICH MEDICAL AND DEN-**
2 **TAL CARE OF ABUSED DEPENDENTS IS AU-**
3 **THORIZED.**

4 Section 1076(e)(1)(A) of title 10, United States
5 Code, is amended to read as follows:

6 “(A) a member of a uniformed service is con-
7 victed by a court-martial or a civil court for an of-
8 fense involving abuse of a dependent of the member,
9 as determined in accordance with regulations pre-
10 scribed by the administering Secretary for such uni-
11 formed service, and—

12 “(i) in the case of a court-martial convic-
13 tion, the member receives a dishonorable or
14 bad-conduct discharge or is dismissed or admin-
15 istratively discharged from a uniformed service
16 as a result of the conviction; or

17 “(ii) in the case of a civil court conviction,
18 the member is administratively discharged from
19 a uniformed service as a result of the convic-
20 tion; and”.

21 **SEC. 704. COORDINATION OF BENEFITS WITH MEDICARE.**

22 Section 1086(d) of title 10, United States Code, is
23 amended by striking out paragraph (3) and inserting in
24 lieu thereof the following:

25 “(3)(A) Subject to subparagraph (B), if a person de-
26 scribed in paragraph (2) receives medical or dental care

1 for which payment may be made under medicare and a
 2 plan contracted for under subsection (a), the amount pay-
 3 able for that care under the plan shall be the amount equal
 4 to the excess of the total amount of the charges imposed
 5 by the provider or providers of such care over the sum
 6 of—

7 “(i) the amount paid for that care under medi-
 8 care; and

9 “(ii) the total of all amounts paid or payable by
 10 third party payers other than medicare.

11 “(B) The amount payable for care under a plan pur-
 12 suant to subparagraph (A) may not exceed the total
 13 amount that would be paid under the plan if payment for
 14 that care were made solely under the plan.

15 “(C) In this paragraph:

16 “(i) The term ‘medicare’ means title XVIII of
 17 the Social Security Act (42 U.S.C. 1395 et seq.).

18 “(ii) The term ‘third party payer’ has the
 19 meaning given such term in section 1095(h)(1) of
 20 this title.”.

21 **SEC. 705. AUTHORITY FOR REIMBURSEMENT OF PROFES-**
 22 **SIONAL LICENSE FEES UNDER RESOURCE**
 23 **SHARING AGREEMENTS.**

24 Section 1096 of title 10, United States Code, is
 25 amended by adding at the end the following:

1 “(d) REIMBURSEMENT FOR LICENSE FEES.—In any
2 case in which it is necessary for a member of the uni-
3 formed services to pay a professional license fee imposed
4 by a government in order to provide health care services
5 at a facility of a civilian health care provider pursuant to
6 an agreement entered into under subsection (a), the Sec-
7 retary of Defense may reimburse the member for up to
8 \$500 of the amount of the license fee paid by the
9 member.”.

10 **SEC. 706. CHIROPRACTIC HEALTH CARE DEMONSTRATION**
11 **PROGRAM.**

12 (a) REQUIREMENT FOR PROGRAM.—(1) Not later
13 than 120 days after the date of enactment of this Act,
14 the Secretary of Defense, in consultation with the sec-
15 retaries of the military departments, shall develop and
16 carry out a demonstration program to evaluate the fea-
17 sibility and advisability of furnishing chiropractic care
18 through the medical care facilities of the Armed Forces.

19 (2) In carrying out the program, the Secretary of De-
20 fense shall—

21 (A) subject to paragraph (3), designate not less
22 than 10 major military medical treatment facilities
23 of the Department of Defense to furnish chiropractic
24 care under the program; and

1 (B) enter into agreements with such number of
2 chiropractors as the Secretary determines sufficient
3 for the purposes of the program to furnish chiro-
4 practic care at such facilities under the program.

5 (3) The Secretary may not designate under para-
6 graph (2) any treatment facility that is located on a mili-
7 tary installation scheduled for closure or realignment
8 under a base closure law.

9 (b) PROGRAM PERIOD.—The Secretary shall carry
10 out the demonstration program in fiscal years 1995
11 through 1997.

12 (c) REPORTING REQUIREMENTS.—(1) Not later than
13 January 30, 1995, the Secretary of Defense shall submit
14 to the Committees on Armed Services of the Senate and
15 the House of Representatives a report on the demonstra-
16 tion program. The report shall—

17 (A) identify the treatment facilities designated
18 pursuant to subsection (a)(2)(A); and

19 (B) include a discussion of the plan for the con-
20 duct of the program.

21 (2) Not later than May 1, 1995, the Secretary of De-
22 fense shall submit to the committees referred to in para-
23 graph (1) a plan for evaluating the program, including a
24 schedule for conducting progress reviews and for submit-
25 ting a final report to the committees.

1 (3) The Secretary shall submit to the committees re-
2 ferred to in paragraph (1) a final report in accordance
3 with the plan submitted to such committees pursuant to
4 paragraph (2).

5 (d) OVERSIGHT ADVISORY COMMITTEE.—(1)(A) Not
6 later than 30 days after the date of the enactment of this
7 Act, the Secretary of Defense shall establish an oversight
8 advisory committee to assist and advise the Secretary with
9 regard to the development and conduct of the demonstra-
10 tion program.

11 (B) The oversight advisory committee shall include
12 the following members:

13 (i) The Comptroller General of the United
14 States, or a designee from within the General Ac-
15 counting Office.

16 (ii) The Assistant Secretary of Defense for
17 Health Affairs, or a designee.

18 (iii) The Surgeon General of the Army, or a
19 designee.

20 (iv) The Surgeon General of the Navy, or a
21 designee.

22 (v) The Surgeon General of the Air Force, or
23 a designee.

1 (vi) Not fewer than four independent represent-
2 atives of the chiropractic health care profession, ap-
3 pointed by the Secretary of Defense.

4 (2) The oversight advisory committee shall assist the
5 Secretary of Defense regarding—

6 (A) issues involving the professional credentials
7 of the chiropractors participating in the program;

8 (B) the granting of professional practice privi-
9 leges for the chiropractors at the treatment facilities
10 participating in the program;

11 (C) the preparation of the reports required
12 under subsection (c); and

13 (D) the evaluation of the program.

14 (e) DEFINITION.—For purposes of this section, the
15 term “base closure law” means each of the following:

16 (1) The Defense Base Closure and Realignment
17 Act of 1990 (part A of title XXIX of Public Law
18 101–510; 10 U.S.C. 2687 note).

19 (2) Title II of the Defense Authorization
20 Amendments and Base Closure and Realignment
21 Act (Public Law 100–526; 10 U.S.C. 2687 note).

22 (3) Section 2687 of title 10, United States
23 Code.

1 **SEC. 707. IMPLEMENTATION OF ANNUAL HEALTH CARE**
2 **SURVEY REQUIREMENT.**

3 Section 724 of the National Defense Authorization
4 Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat.
5 2440; 10 U.S.C. 1071 note) is amended—

6 (1) by redesignating subsection (b) as sub-
7 section (c); and

8 (2) by inserting after subsection (a) the follow-
9 ing new subsection (b):

10 “(b) EXEMPTION.—An annual survey under sub-
11 section (a) shall be treated as not a collection of informa-
12 tion for the purposes for which such term is defined in
13 section 3502(4) of title 44.”.

14 **SEC. 708. ESTABLISHMENT OF MEDICARE SPECIAL EN-**
15 **ROLLMENT PERIOD FOR CERTAIN MILITARY**
16 **RETIREES AND DEPENDENTS AND PAYMENT**
17 **OF LATE ENROLLMENT PENALTY BY DEPART-**
18 **MENT OF DEFENSE.**

19 (a) SPECIAL ENROLLMENT PERIOD.—Section 1837
20 of the Social Security Act (42 U.S.C. 1395p) is amended
21 by adding at the end the following new subsection:

22 “(j) In the case of an individual described in section
23 1839(g)(2), there shall be a special enrollment period—

24 “(1) beginning 45 days before the scheduled
25 date of the closure of the individual’s military treat-
26 ment facility (as defined in section 1839(g)(3)(C))

1 and ending on the last day of the eighth month fol-
2 lowing the month in which the facility closed, or

3 “(2) in the case of a military treatment facility
4 that closed prior to January 1, 1995, beginning Jan-
5 uary 1, 1995, and ending at the end of August 31,
6 1995.”.

7 (b) COVERAGE PERIOD FOR SPECIAL ENROLL-
8 MENTS.—Section 1838 of the Social Security Act (42
9 U.S.C. 1395q) is amended by adding at the end the follow-
10 ing new subsection:

11 “(f) Notwithstanding subsection (a), in the case of
12 an individual who enrolls during a special enrollment pe-
13 riod pursuant to section 1837(j), the coverage period shall
14 begin on the first day of the month following the month
15 in which the individual enrolls.”.

16 (c) PAYMENT BY DEPARTMENT OF DEFENSE OF
17 MEDICARE PART B LATE ENROLLMENT PENALTY.—Sec-
18 tion 1839 of the Social Security Act (42 U.S.C. 1395r)
19 is amended by adding at the end the following new sub-
20 section:

21 “(g)(1) The increase in premiums under subsection
22 (b) due to late enrollment under this part by an individual
23 described in paragraph (2) who enrolls under this program
24 during a special enrollment period provided under section

1 1837(j) shall be paid by the Secretary of the military de-
2 partment concerned.

3 “(2) An individual described in this paragraph is an
4 individual who, as of the date of the announcement of the
5 closure of the individual’s military treatment facility—

6 “(A) is 65 years of age or older;

7 “(B) is eligible for health care under section
8 1074(b) or 1076(b) of title 10, United States Code;

9 “(C) has never, since attaining the age of 65,
10 been enrolled under this part; and

11 “(D) has continuously maintained a primary
12 residence within 65 miles of a military treatment fa-
13 cility since attaining the age of 65.

14 “(3) For purposes of this subsection:

15 “(A) The date of the announcement of the clo-
16 sure of a military treatment facility is the date of
17 the submission to Congress under a base closure law
18 of a report recommending the closure of the military
19 base at which the facility is located.

20 “(B) The term ‘base closure law’ has the mean-
21 ing given such term in section 2825(d) of the Na-
22 tional Defense Authorization Act for Fiscal Years
23 1992 and 1993 (10 U.S.C. 2687 note).

24 “(C) The term ‘closure of the individual’s mili-
25 tary treatment facility’ means, with respect to an in-

1 dividual, the closure under a base closure law of the
 2 last military treatment facility within 65 miles of the
 3 primary residence of the individual.

4 “(D) The term ‘military treatment facility’
 5 means a facility of a uniformed service referred to
 6 in section 1074(a) of title 10, United States Code,
 7 in which health care is provided.”.

8 **SEC. 709. ELIGIBILITY FOR PARTICIPATION IN DEM-**
 9 **ONSTRATION PROGRAMS FOR SALE OF PHAR-**
 10 **MACEUTICALS.**

11 Subparagraph (B) of section 702(c)(2) of the Na-
 12 tional Defense Authorization Act for Fiscal Year 1993 (10
 13 U.S.C. 1079 note) is amended to read as follows:

14 “(B) either—

15 “(i) resides in an area that is ad-
 16 versely affected (as determined by the Sec-
 17 retary) by the closure of a health care fa-
 18 cility of the uniformed services as a result
 19 of the closure or realignment of the mili-
 20 tary installation at which such facility is
 21 located; or

22 “(ii) can demonstrate to the satisfac-
 23 tion of the Secretary that the person ob-
 24 tained pharmaceuticals at a health care fa-

1 cility referred to in clause (i) before the
 2 closure of the facility.”.

3 **TITLE VIII—ACQUISITION POL-**
 4 **ICY, ACQUISITION MANAGE-**
 5 **MENT, AND RELATED MAT-**
 6 **TERS**

7 **Subtitle A—Use of Merit Based**
 8 **Selection Procedures**

9 **SEC. 801. POLICY FOR MERIT BASED AWARD OF CON-**
 10 **TRACTS AND GRANTS.**

11 (a) POLICY.—Section 2301 of title 10, United States
 12 Code, is amended by adding at the end the following new
 13 subsection:

14 “(e)(1) It is the policy of Congress that the Depart-
 15 ment of Defense should not be required by legislation to
 16 award a new contract or grant to a specific non-Federal
 17 Government entity. It is further the policy of Congress
 18 that any program, project, or technology identified in
 19 legislation be procured through merit-based selection
 20 procedures.

21 “(2) A provision of law may not be construed as re-
 22 quiring the Department of Defense to award a new con-
 23 tract or grant to a specific non-Federal Government entity
 24 unless that provision of law—

25 “(A) specifically refers to this subsection;

1 “(B) specifically identifies the particular non-
2 Federal Government entity to be awarded the con-
3 tract or grant; and

4 “(C) sets forth the national defense purpose to
5 be fulfilled by requiring the department to award a
6 new contract or grant to the specified non-Federal
7 Government entity.

8 “(3) The head of an agency may not award a contract
9 or make a grant pursuant to a provision of law that au-
10 thorizes or requires the awarding of the contract or the
11 making of the grant, as the case may be, in a manner
12 that is inconsistent with the policy set forth in paragraph
13 (1) until—

14 “(A) the Secretary of Defense submits to Con-
15 gress a notice in writing of the intent to award such
16 contract or to make such grant; and

17 “(B) a period of 180 days elapses after the date
18 on which the notice is received by Congress.

19 “(4) For purposes of this subsection—

20 “(A) a contract is a new contract unless the
21 work provided for in the contract is a continuation
22 of the work provided for in a preceding contract; and

23 “(B) a grant is a new grant unless the work
24 funded by the grant is substantially a continuation

1 of the work for which funding is provided in a pre-
 2 ceding grant.

3 “(4) Paragraph (3) does not apply to the Secretary
 4 of Transportation or the Administrator of the National
 5 Space and Aeronautics Administration.”.

6 **SEC. 802. CONTINUATION OF EXPIRING REQUIREMENT FOR**
 7 **ANNUAL REPORT ON THE USE OF COMPETI-**
 8 **TIVE PROCEDURES FOR AWARDING CERTAIN**
 9 **CONTRACTS TO COLLEGES AND UNIVER-**
 10 **SITIES.**

11 Paragraph (3) of section 2361(c) of title 10, United
 12 States Code, is repealed.

13 **Subtitle B—Acquisition Assistance**
 14 **Programs**

15 **SEC. 811. PROCUREMENT TECHNICAL ASSISTANCE PRO-**
 16 **GRAMS.**

17 (a) FUNDING.—Of the amount authorized to be ap-
 18 propriated under section 301(5), \$12,000,000 shall be
 19 available for carrying out the provisions of chapter 142
 20 of title 10, United States Code.

21 (b) SPECIFIC PROGRAMS.—Of the amounts made
 22 available pursuant to subsection (a), \$600,000 shall be
 23 available for fiscal year 1995 for the purpose of carrying
 24 out programs sponsored by eligible entities referred to in
 25 subparagraph (D) of section 2411(1) of title 10, United

1 States Code, that provide procurement technical assist-
2 ance in distressed areas referred to in subparagraph (B)
3 of section 2411(2) of such title. If there is an insufficient
4 number of satisfactory proposals for cooperative agree-
5 ments in such distressed areas to allow effective use of
6 the funds made available in accordance with this sub-
7 section in such areas, the funds shall be allocated among
8 the Defense Contract Administration Services regions in
9 accordance with section 2415 of such title.

10 **SEC. 812. PILOT MENTOR-PROTEGE PROGRAM.**

11 Of the amounts authorized to be appropriated for fis-
12 cal year 1995 pursuant to title I of this Act, \$50,000,000
13 shall be available for conducting the pilot Mentor-Protege
14 Program established pursuant to section 831 of the Na-
15 tional Defense Authorization Act for Fiscal Year 1991
16 (Public Law 101-510; 10 U.S.C. 2301 note).

17 **SEC. 813. INFRASTRUCTURE ASSISTANCE FOR HISTORI-**
18 **CALLY BLACK COLLEGES AND OTHER MINOR-**
19 **ITY INSTITUTIONS OF HIGHER EDUCATION.**

20 Of the amounts authorized to be appropriated for fis-
21 cal year 1995 pursuant to title II of this Act, \$35,000,000
22 shall be available for such fiscal year for infrastructure
23 assistance to historically Black colleges and universities
24 and minority institutions under section 2323(c)(3) of title
25 10, United States Code.

1 **SEC. 814. EXTENSION OF TEST PROGRAM FOR NEGOTIA-**
2 **TION OF COMPREHENSIVE SMALL BUSINESS**
3 **SUBCONTRACTING PLANS.**

4 Section 834(e) of the National Defense Authorization
5 Act for Fiscal Years 1990 and 1991 (15 U.S.C. 637 note)
6 is amended by striking out “September 30, 1994” in the
7 second sentence and inserting in lieu thereof “September
8 30, 1998”.

9 **SEC. 815. LIMITATION REGARDING ACQUISITION ASSIST-**
10 **ANCE REGULATIONS REQUIRED BY PUBLIC**
11 **LAW 103-160 BUT NOT ISSUED.**

12 (a) LIMITATION ON THE USE OF FUNDS.—None of
13 the funds authorized to be appropriated by this Act that
14 are made available for program element 65104D activities
15 may be expended until the Secretary of Defense takes the
16 actions required by the following provisions of the Na-
17 tional Defense Authorization Act for Fiscal Year 1994
18 (Public Law 103-160):

19 (1) Section 811(d)(1), relating to regulations
20 that address the matters described in subsections (g)
21 and (h)(2) of section 2323 of title 10, United States
22 Code.

23 (2) Section 813(b)(1), relating to the Depart-
24 ment of Defense policy regarding the pilot Mentor-
25 Protege Program.

1 (b) ACTIONS REQUIRED.—(1) With respect to the
2 regulations referred to in subsection (a)(1), the Secretary
3 shall—

4 (A) publish proposed regulations within 15 days
5 after the date of the enactment of this Act in ac-
6 cordance with section 22 of the Office of Federal
7 Procurement Policy Act (41 U.S.C. 418b);

8 (B) provide a period of not less than 60 days
9 for public comment on the proposed regulations; and

10 (C) publish the final regulations not later than
11 120 days after the date of the enactment of this Act.

12 (2) With respect to the action referred to in sub-
13 section (a)(2), the Secretary shall ensure that—

14 (A) within 30 days after the date of the enact-
15 ment of this Act, the Department of Defense policy
16 regarding the pilot Mentor-Protege Program is in-
17 corporated into the Department of Defense Supple-
18 ment to the Federal Acquisition Regulation as an
19 appendix; and

20 (B) any subsequent revision to such policy (or
21 any successor to such policy) is published and main-
22 tained in such supplement as an appendix.

23 (c) PROGRAM ELEMENT 65104D ACTIVITIES DE-
24 FINED.—For purposes of this section, the program ele-
25 ment 65104D activities referred to in subsection (a) are

1 the activities described as program element 65104D in the
 2 materials submitted to Congress by the Secretary of De-
 3 fense in support of the budget for fiscal year 1995 that
 4 was submitted to Congress pursuant to section 1105(a)
 5 of title 31, United States Code.

6 **Subtitle C—Other Matters**

7 **SEC. 821. USE OF CERTAIN FUNDS PENDING SUBMISSION** 8 **OF A NATIONAL TECHNOLOGY AND INDUS-** 9 **TRIAL BASE PERIODIC DEFENSE CAPABILITY** 10 **ASSESSMENT AND A PERIODIC DEFENSE CA-** 11 **PABILITY PLAN.**

12 (a) LIMITATION.—None of the funds authorized to
 13 be appropriated by this Act that are made available for
 14 program element 65104D activities may be expended until
 15 the Secretary of Defense submits to Congress—

16 (1) a national technology and industrial base
 17 periodic defense capability assessment required by
 18 section 2505 of title 10, United States Code; and

19 (2) and a periodic defense capability plan re-
 20 quired by section 2506 of such title.

21 (b) PROGRAM ELEMENT 65104D ACTIVITIES DE-
 22 FINED.—For purposes of this section, the program ele-
 23 ment 65104D activities referred to in subsection (a) are
 24 the activities described as program element 65104D in the
 25 materials submitted to Congress by the Secretary of De-

1 fense in support of the budget for fiscal year 1995 that
2 was submitted to Congress pursuant to section 1105(a)
3 of title 31, United States Code.

4 **SEC. 822. DELEGATION OF INDUSTRIAL MOBILIZATION AU-**
5 **THORITY.**

6 Section 2538 of title 10, United States Code, is
7 amended—

8 (1) by striking out “through the Secretary of
9 Defense” each place it appears in subsections (a),
10 (c), and (d) and inserting in lieu thereof “through
11 the head of any department”; and

12 (2) in subsection (c)—

13 (A) by striking out “in the opinion of the
14 Secretary of Defense” in the matter above
15 paragraph (1) and inserting in lieu thereof “in
16 the opinion of the head of any department”;
17 and

18 (B) by striking out “Secretary” each place
19 it appears in paragraphs (2) and (3) and insert-
20 ing in lieu thereof “head of the department”.

1 **SEC. 823. PERMANENT AUTHORITY FOR THE DEPARTMENT**
2 **OF DEFENSE TO SHARE EQUITABLY THE**
3 **COSTS OF CLAIMS UNDER INTERNATIONAL**
4 **ARMAMENTS COOPERATIVE PROGRAMS.**

5 Subsection (c) of section 843 of the National Defense
6 Authorization Act for Fiscal Year 1993 (Public Law 102–
7 484; 106 Stat. 2469; 10 U.S.C. 2350a note) is repealed.

8 **SEC. 824. DETERMINATIONS OF PUBLIC INTEREST UNDER**
9 **THE BUY AMERICAN ACT.**

10 (a) CONSIDERATIONS.—Section 2533 of title 10,
11 United States Code, is amended—

12 (1) by striking out subsections (a) and (b) and
13 inserting in lieu thereof the following:

14 “(a) In determining under section 2 of title III of
15 the Act of March 3, 1993 (41 U.S.C. 10a), popularly
16 known as the ‘Buy American Act’, whether application of
17 title III of such Act is inconsistent with the public interest,
18 the Secretary of Defense shall consider the following:

19 “(1) The bids or proposals of small business
20 firms in the United States which have offered to fur-
21 nish American goods.

22 “(2) The bids or proposals of all other firms in
23 the United States which have offered to furnish
24 American goods.

25 “(3) The United States balance of payments.

1 “(4) The cost of shipping goods which are other
2 than American goods.

3 “(5) Any duty, tariff, or surcharge which may
4 enter into the cost of using goods which are other
5 than American goods.

6 “(6) Any need to coordinate acquisition activi-
7 ties of the Department of Defense with obligations
8 contained in international agreements and with the
9 acquisition activities of major United States allies.

10 “(7) A need to ensure that the Department of
11 Defense has access to advanced state-of-the-art com-
12 mercial technology.

13 “(8) A need to protect the national technology
14 and industrial base and to provide for a defense mo-
15 bilization base.

16 “(9) A need to ensure that application of dif-
17 ferent rules of origin for United States end items
18 and foreign end items does not result in an award
19 to a firm other than a firm providing a product pro-
20 duced in the United States.

21 “(10) Any need—

22 “(A) to maintain the same source of sup-
23 ply for spare and replacement parts for an end
24 item that qualifies as an American good; or

1 “(B) to maintain the same source of sup-
 2 ply for spare and replacement parts in order
 3 not to impair integration of the military and
 4 commercial industrial base.

5 “(11) The national security interests of the
 6 United States.”; and

7 (2) by redesignating subsection (c) as sub-
 8 section (b).

9 (b) CONFORMING AND CLERICAL AMENDMENTS.—

10 (1) The heading of section 2533 of such title is amended
 11 to read as follows:

12 **“§ 2533. Determinations of public interest under the**
 13 **Buy American Act”.**

14 (2) The item relating to such section in the table of
 15 sections at the beginning of subchapter V of chapter 148
 16 of such title is amended to read as follows:

“2533. Determinations of public interest under the Buy American Act.”.

17 **TITLE IX—DEPARTMENT OF DE-**
 18 **FENSE ORGANIZATION AND**
 19 **MANAGEMENT**

20 **Subtitle A—Secretarial Matters**

21 **SEC. 901. ADDITIONAL ASSISTANT SECRETARY OF DE-**
 22 **FENSE.**

23 (a) ESTABLISHMENT OF POSITION.—Section 138(a)
 24 of title 10, United States Code, is amended by striking
 25 out “ten” and inserting in lieu thereof “eleven”.

1 (b) EXECUTIVE LEVEL IV.—Section 5315 of title 5,
2 United States Code, is amended by striking out “Assistant
3 Secretaries of Defense (10).” and inserting in lieu thereof
4 the following:

5 “Assistant Secretaries of Defense (11).”.

6 **SEC. 902. ORDER OF SUCCESSION TO SECRETARIES OF THE**
7 **MILITARY DEPARTMENTS.**

8 (a) ARMY.—Section 3017 of title 10, United States
9 Code, is amended—

10 (1) by redesignating paragraph (3) as para-
11 graph (4); and

12 (2) by inserting after paragraph (2) the follow-
13 ing new paragraph (3):

14 “(3) The General Counsel of the Department of
15 the Army.”.

16 (b) NAVY.—Section 5017 of such title is amended—

17 (1) by redesignating paragraphs (3) and (4) as
18 paragraphs (5) and (6), respectively; and

19 (2) by inserting after paragraph (2) the follow-
20 ing new paragraph (3):

21 “(3) The General Counsel of the Department of
22 the Navy.”.

23 (c) AIR FORCE.—Section 8017 of such title is amend-
24 ed—

1 (1) by redesignating paragraph (3) as para-
2 graph (4); and

3 (2) by inserting after paragraph (2) the follow-
4 ing new paragraph (3):

5 “(3) The General Counsel of the Department of
6 the Air Force.”.

7 **Subtitle B—Commission on Roles**
8 **and Missions of the Armed Forces**

9 **SEC. 911. REVIEW OF RESERVE COMPONENTS.**

10 Section 953(d) of the National Defense Authorization
11 Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat.
12 1739) is amended—

13 (1) in subsection (d)—

14 (A) by striking out “and” at the end of
15 paragraph (7);

16 (B) by striking out the period at the end
17 of paragraph (8) and inserting in lieu thereof “;
18 and”; and

19 (C) by adding at the end the following new
20 paragraph:

21 “(9) the role of the National Guard and the
22 other reserve components.”;

23 (2) in subsection (e)(3), by inserting after “De-
24 partment of Defense” the following: “, including the

1 National Guard and the other reserve components”;
2 and

3 (3) by adding at the end the following new sub-
4 section:

5 “(h) RECOMMENDATIONS CONCERNING RESERVE
6 COMPONENTS.—The Commission shall address the roles,
7 missions, and functions of the reserve components within
8 the total force of the armed forces, particularly in light
9 of lower budgetary resources that will be available to the
10 Department of Defense in the future. The Commission
11 should employ or consult private citizens with extensive
12 experience in matters concerning the National Guard and
13 other reserve components.”.

14 **SEC. 912. SUPPORT BY FEDERALLY FUNDED RESEARCH**
15 **AND DEVELOPMENT CENTERS.**

16 Section 957 of the National Defense Authorization
17 Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat.
18 1741; 10 U.S.C. 111 note) is amended—

19 (1) by adding at the end the following new sub-
20 section:

21 “(f) SUPPORT FROM FEDERALLY FUNDED RE-
22 SEARCH AND DEVELOPMENT CENTERS.—Upon the re-
23 quest of the chairman of the Commission, the Secretary
24 of Defense shall make available to the Commission, with-
25 out reimbursement, the services of one or more federally

1 funded research and development centers covered by spon-
 2 soring agreements of the Department of Defense. The cost
 3 of the services made available pursuant to this subsection
 4 may not exceed \$20,000,000.”; and

5 (2) by striking out the section heading and in-
 6 serting in lieu thereof the following:

7 **“SEC. 957. PERSONNEL MATTERS; EXPERT SERVICES.”.**

8 **Subtitle C—Other Matters**

9 **SEC. 921. COMPOSITION OF RESERVE FORCES POLICY** 10 **BOARD.**

11 Section 175(a) of title 10, United States Code, is
 12 amended—

13 (1) in paragraph (4), by striking out “or Regu-
 14 lar Marine Corps” and inserting in lieu thereof “and
 15 an officer of the Regular Marine Corps each”;

16 (2) by striking out “and” at the end of para-
 17 graph (8);

18 (3) by striking out the period at the end of
 19 paragraph (9) and inserting in lieu thereof “; and”;
 20 and

21 (4) by adding at the end the following:

22 “(10) an officer of the Regular Army, Regular
 23 Navy, Regular Air Force, or Regular Marine Corps
 24 serving in a position on the Joint Staff who is des-

1 ignated by the Chairman of the Joint Chiefs of
2 Staff.”.

3 **SEC. 922. CONTINUATION OF UNIFORMED SERVICES UNI-**
4 **VERSITY OF THE HEALTH SCIENCES.**

5 (a) CLOSURE PROHIBITED.—The Uniformed Serv-
6 ices University of the Health Sciences may not be closed.

7 (b) BUDGETARY COMMITMENT TO CONTINUATION.—
8 It is the sense of Congress that the Secretary of Defense
9 should budget for the ongoing operation of the Uniformed
10 Services University of the Health Sciences as an institu-
11 tion of professional education that is vital to the education
12 and training each year of significant numbers of personnel
13 of the uniformed services for careers as uniformed services
14 health care providers.

15 **SEC. 923. JOINT DUTY CREDIT FOR CERTAIN DUTY PER-**
16 **FORMED DURING MILITARY OPERATIONS IN**
17 **SUPPORT OF UNIFIED, COMBINED, OR UNIT-**
18 **ED NATIONS MILITARY OPERATIONS.**

19 (a) CREDIT AUTHORIZED.—Section 664 of title 10,
20 United States Code, is amended by adding at the end the
21 following new subsection:

22 “(i) SPECIAL AUTHORITY.—(1) The Secretary of De-
23 fense, in consultation with the Chairman of the Joint
24 Chiefs of Staff, may give an officer who has completed
25 service described in paragraph (2) credit for having com-

1 pleted a full tour of duty in a joint duty assignment, or
2 credit countable for determining cumulative service in
3 joint duty assignments, for the purposes of any provision
4 of this title, notwithstanding the length of such service or
5 whether such service is within the definition of the term
6 'joint duty assignment' prescribed pursuant to section 668
7 of this title.

8 “(2) Service referred to in paragraph (1) is service
9 performed by an officer in combat or combat related mili-
10 tary operations, under the operational control of the com-
11 mander of a unified combatant command, the commander
12 of combined forces of allied nations, or the United Na-
13 tions, in which the officer gained significant experience in
14 joint matters, as determined by the Secretary.

15 “(3) Officers for whom joint duty credit is granted
16 pursuant to this subsection—

17 “(A) shall not be counted for the purposes of
18 paragraphs (7), (8), (9), (11), or (12) of section 667
19 of this title and subsections (a)(3) and (b) of section
20 662 of this title; and

21 “(B) are not subject to the requirements of sec-
22 tion 661(c) of this title relating to the sequence for
23 completion of a joint professional military education
24 school, completion of a full tour of duty in a joint

1 duty assignment, and selection for a joint spe-
2 cialty.”.

3 (b) APPLICABILITY.—Subsection (i) of section 664 of
4 title 10, United States Code, as added by subsection (a),
5 shall apply with respect to military operations conducted
6 after July 1, 1992.

7 **TITLE X—GENERAL PROVISIONS**

8 **Subtitle A—Financial Matters**

9 **SEC. 1001. TRANSFER AUTHORITY.**

10 (a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

11 (1) Upon determination by the Secretary of Defense that
12 such action is necessary in the national interest, the Sec-
13 retary may transfer amounts of authorizations made avail-
14 able to the Department of Defense in this division for fis-
15 cal year 1995 between any such authorizations for that
16 fiscal year (or any subdivisions thereof). Amounts of au-
17 thorizations so transferred shall be merged with and be
18 available for the same purposes as the authorization to
19 which transferred.

20 (2) The total amount of authorizations that the Sec-
21 retary of Defense may transfer under the authority of this
22 section may not exceed \$2,000,000,000.

23 (b) LIMITATIONS.—The authority provided by this
24 section to transfer authorizations—

1 (1) may only be used to provide authority for
 2 items that have a higher priority than the items
 3 from which authority is transferred; and

4 (2) may not be used to provide authority for
 5 an item that has been denied authorization by
 6 Congress.

7 (c) EFFECT ON AUTHORIZATION AMOUNTS.—A
 8 transfer made from one account to another under the au-
 9 thority of this section shall be deemed to increase the
 10 amount authorized for the account to which the amount
 11 is transferred by an amount equal to the amount trans-
 12 ferred.

13 (d) NOTICE TO CONGRESS.—The Secretary of De-
 14 fense shall promptly notify Congress of transfers made
 15 under the authority of this section.

16 **SEC. 1002. EMERGENCY SUPPLEMENTAL AUTHORIZATION**
 17 **OF APPROPRIATIONS FOR FISCAL YEAR 1994.**

18 There is authorized to be appropriated as emergency
 19 supplemental appropriations for fiscal year 1994 for the
 20 incremental costs arising from ongoing United States op-
 21 erations in Somalia, Bosnia, Southwest Asia, and Haiti,
 22 \$1,198,300,000 as follows:

23 (1) For Military Personnel:

24 (A) For the Army, \$6,600,000.

25 (B) For the Navy, \$19,400,000.

1 (C) For the Air Force, \$18,400,000.

2 (2) For Operation and Maintenance:

3 (A) For the Army, \$420,100,000.

4 (B) For the Navy, \$104,800,000.

5 (C) For the Air Force, \$560,100,000.

6 (D) For Defense-wide activities,
7 \$21,600,000.

8 (3) For Procurement:

9 (A) For Aircraft Procurement, Army,
10 \$20,300,000.

11 (B) For Other Procurement, Army,
12 \$200,000.

13 (C) For Other Procurement, Air Force,
14 \$26,800,000.

15 **SEC. 1003. DATE FOR SUBMISSION OF FUTURE-YEARS MIS-**
16 **SION BUDGET.**

17 Section 222(a) of title 10, United States Code, is
18 amended by striking out “at the same time” in the second
19 sentence and inserting in lieu thereof “not later than 60
20 days after the date on which”.

1 **Subtitle B—Matters Relating to**
2 **Allies and Other Nations**

3 **SEC. 1011. REPEAL OF LIMITATION ON OVERSEAS MILI-**
4 **TARY END STRENGTH.**

5 Section 1302 of the National Defense Authorization
6 Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat.
7 2545; 10 U.S.C. 113 note) is repealed.

8 **SEC. 1012. AUTHORIZED END STRENGTH FOR MILITARY**
9 **PERSONNEL IN EUROPE.**

10 (a) END STRENGTH.—Paragraph (1) of section
11 1002(c) of the National Defense Authorization Act, 1985
12 (22 U.S.C. 1928 note) is amended to read as follows:

13 “(1) The end strength level of members of the Armed
14 Forces of the United States assigned to permanent duty
15 ashore in European member nations of NATO may not
16 exceed a permanent ceiling of approximately 100,000 in
17 any fiscal year.

18 “(2) Notwithstanding paragraph (1), the end
19 strength level of members of the Armed Forces of the
20 United States assigned to permanent duty ashore in Euro-
21 pean member nations of NATO may exceed 100,000 in
22 a fiscal year if, before September 1 of that fiscal year,
23 the President certifies to Congress that it is essential for
24 the end strength level to exceed 100,000 in that fiscal year
25 in order to attain national security objectives of the United

1 States in Europe and that the number of personnel in ex-
2 cess of 100,000 does not exceed the number of additional
3 personnel necessary to attain such objectives. In no event
4 may the end strength level exceed 113,000 in any fiscal
5 year.”.

6 (b) CONFORMING AMENDMENT.—Section 1303 of the
7 National Defense Authorization Act for Fiscal Year 1993
8 (Public Law 102–484; 106 Stat. 2546) is repealed.

9 (c) EFFECTIVE DATE.—The amendments made by
10 subsection (a) shall take effect on October 1, 1995.

11 **SEC. 1013. EXTENSION AND REVISION OF AUTHORITIES RE-**
12 **LATING TO COOPERATIVE THREAT REDUC-**
13 **TION.**

14 (a) FUNDING FOR FISCAL YEAR 1995.—Funds au-
15 thorized to be appropriated under section 301(19) shall
16 be available for cooperative threat reduction with states
17 of the former Soviet Union under the Cooperative Threat
18 Reduction Act of 1993 (title XII of Public Law 103–160;
19 22 U.S.C. 5951 et seq.).

20 (b) SEMI-ANNUAL REPORTS.—Section 1207 of such
21 Act (22 U.S.C. 5956) is amended by striking out “and
22 not later than October 30, 1994,” and inserting in lieu
23 thereof “October 30, 1994, April 30, 1995, and October
24 30, 1995,”.

1 **SEC. 1014. DEFENSE COOPERATION BETWEEN THE UNITED**
2 **STATES AND ISRAEL.**

3 (a) FINDINGS.—Congress makes the following find-
4 ings:

5 (1) The President has made a commitment to
6 maintaining the qualitative superiority of the Israeli
7 Defense Force over any potential combination of po-
8 tential adversaries.

9 (2) Despite the peace process in which Israel is
10 engaged, Israel continues to face difficult threats to
11 its national security.

12 (3) The threats are compounded by the pro-
13 liferation of weapons of mass destruction and ballis-
14 tic missiles.

15 (4) Congress recognizes the many benefits to
16 the United States resulting from the strategic rela-
17 tionship that exists between the United States and
18 Israel.

19 (5) Congress is supportive of the objective of
20 the President to enhance United States-Israel mili-
21 tary and technical cooperation, particularly in the
22 areas of missile defense and counter-proliferation.

23 (6) Congress is supportive of the establishment
24 of the United States-Israel Science and Technology
25 Commission in 1993.

1 (7) Maintaining the qualitative superiority of
2 the Israeli Defense Force and strengthening the de-
3 fense ties and science and technology cooperation be-
4 tween the United States and Israel will help ensure
5 that Israel has the military strength and political
6 support necessary to take risks for peace while pro-
7 viding Arab states with an incentive to pursue nego-
8 tiations instead of war.

9 (8) Israel continues to cooperate with the
10 United States on numerous theater missile defense
11 programs, including the Arrow Tactical Anti-Missile
12 program and the boost phase intercept technology
13 program.

14 (9) It is in the national interests of the United
15 States and Israel to strengthen existing mechanisms
16 for cooperation and to eliminate unnecessary bar-
17 riers to further collaboration between the United
18 States and Israel.

19 (b) SENSE OF CONGRESS.—It is the sense of Con-
20 gress that Congress—

21 (1) encourages the President to ensure that any
22 conventional defense system or technology offered
23 for release to any NATO or other major non-NATO
24 ally should concurrently be available for purchase by

1 Israel unless such action would contravene United
2 States national interests; and

3 (2) urges the President to make available to Is-
4 rael, within existing technology transfer laws, regula-
5 tions, and policies, advanced United States tech-
6 nology necessary for continued progress in coopera-
7 tive United States-Israel research and development
8 of theater missile defenses.

9 **SEC. 1015. MILITARY-TO-MILITARY CONTACTS AND COM-**
10 **PARABLE ACTIVITIES.**

11 (a) ACTIVITIES AUTHORIZED.—(1) Chapter 6 of title
12 10, United States Code, is amended by adding at the end
13 the following new section:

14 **“§ 166b. Military-to-military contacts and comparable**
15 **activities**

16 “(a) AUTHORITY.—The Secretary of Defense may
17 conduct military-to-military contacts and comparable ac-
18 tivities that are designed to encourage a democratic ori-
19 entation of defense establishments and military forces of
20 other countries.

21 “(b) ADMINISTRATION.—The Secretary may provide
22 funds appropriated for carrying out subsection (a) to the
23 following officials for use as provided in subsection (c):

24 “(1) The commander of a combatant command,
25 upon the request of the commander.

1 “(2) An officer designated by the Chairman of
2 the Joint Chiefs of Staff, with respect to an area or
3 areas not under the area of responsibility of a com-
4 mander of a combatant command.

5 “(3) The head of any Department of Defense
6 component.

7 “(c) AUTHORIZED ACTIVITIES.—An official provided
8 funds under subsection (b) may use such funds for the
9 following activities and expenses:

10 “(1) The activities of traveling contact teams,
11 including any transportation expenses, translation
12 services expenses, and administrative expenses that
13 are related to such activities.

14 “(2) The activities of military liaison teams.

15 “(3) Exchanges of—

16 “(A) civilian or military personnel between
17 the Department of Defense and defense min-
18 istries of foreign governments; and

19 “(B) military personnel between units of
20 the armed forces and units of foreign armed
21 forces.

22 “(4) Seminars and conferences held primarily
23 in a theater of operations.

24 “(5) Distribution of publications primarily in a
25 theater of operations.

1 “(6) Personnel expenses for Department of De-
2 fense civilian and military personnel to the extent
3 that such expenses relate to participation in activi-
4 ties described in paragraphs (3), (4), and (5).

5 “(7) Reimbursement of military personnel ap-
6 propriations accounts for the pay and allowances
7 paid to National Guard personnel and other reserve
8 components personnel for service while engaged in
9 activities referred to in other paragraphs of this sub-
10 section.

11 “(d) RELATIONSHIP TO OTHER FUNDING.—Any
12 amount provided during any fiscal year to an official
13 under subsection (b) for activities or expenses referred to
14 in subsection (c) shall be in addition to amounts otherwise
15 available for such activities and expenses for that fiscal
16 year.

17 “(e) LIMITATIONS.—(1) Funds may not be provided
18 under this section for a fiscal year for any activity for
19 which—

20 “(A) funding was proposed in the budget sub-
21 mitted to Congress for such fiscal year pursuant to
22 section 1105(a) of title 31; and

23 “(B) Congress did not authorize appropriations.

24 “(2) An activity may not be conducted under this sec-
25 tion with a foreign country unless the Secretary of State

1 approves the conduct of such activity in that foreign coun-
2 try.

3 “(f) MILITARY-TO-MILITARY CONTACTS DEFINED.—
4 In this section, the term ‘military-to-military contacts’
5 means contacts between members of the armed forces and
6 members of foreign armed forces through activities de-
7 scribed in subsection (c).”.

8 (2) The table of sections at the beginning of chapter
9 6 of such title is amended by adding at the end the follow-
10 ing new item:

“166b. Military-to-military contacts and comparable activities.”.

11 (b) FUNDING.—Of the amount authorized to be ap-
12 propriated under section 301(5) for operation and mainte-
13 nance for Defense-wide activities, \$46,300,000 shall be
14 available to the Secretary of Defense for the purposes of
15 carrying out activities under section 166b of title 10,
16 United States Code, as added by subsection (a).

17 **SEC. 1016. FOREIGN DISASTER RELIEF.**

18 (a) AUTHORITY.—(1) Subchapter I of chapter 20 of
19 title 10, United States Code, is amended by adding at the
20 end the following new section:

21 **“§ 404. Foreign disaster relief**

22 “(a) IN GENERAL.—The President may conduct dis-
23 aster relief activities outside the United States to respond
24 to manmade or natural disasters when necessary to pre-
25 vent loss of lives.

1 “(b) FORMS OF ASSISTANCE.—Assistance provided
2 under this section may include transportation, supplies,
3 services, and equipment.

4 “(c) DETERMINATION REQUIRED.—No assistance
5 may be furnished pursuant to this section unless the
6 President determines that the provision of disaster relief
7 is in the national interest of the United States and is nec-
8 essary to prevent loss of lives.

9 “(d) REPORT REQUIRED.—Not later than 48 hours
10 after the commencement of disaster relief activities, the
11 President shall transmit to the Congress a report contain-
12 ing the determination required by subsection (c) and a de-
13 scription of the following:

14 “(1) The manmade or natural disaster for
15 which disaster relief is necessary.

16 “(2) The threat to human lives presented by
17 the disaster.

18 “(3) The United States military personnel and
19 material resources that are involved or expected to
20 be involved.

21 “(4) The disaster relief that is being provided
22 or is expected to be provided by other nations or
23 public or private relief organizations.

24 “(5) The anticipated duration of the disaster
25 relief activities.”.

1 (2) The table of sections at the beginning of such sub-
 2 chapter is amended by adding at the end the following:

“404. Foreign disaster relief.”.

3 (b) FUNDING OF ACTIVITIES.—Of the amount au-
 4 thorized to be appropriated under subsection 301(5),
 5 \$46,300,000 shall be available to the Secretary of Defense
 6 for the purpose of carrying out disaster relief activities
 7 under section 404 of title 10, United States Code, as
 8 added by subsection (a).

9 **Subtitle C—Nonproliferation and**
 10 **Counterproliferation of Weapon**
 11 **Systems and Related Systems**

12 **SEC. 1021. EXTENSION AND REVISION OF NONPROLIFERA-**
 13 **TION AUTHORITIES.**

14 (a) EXTENSION OF NONPROLIFERATION AUTHORI-
 15 TIES.—Section 1505 of the National Defense Authoriza-
 16 tion Act for Fiscal Year 1993 (22 U.S.C. 5859a) is
 17 amended—

18 (1) in subsection (a), by striking out “during
 19 fiscal year 1994” and inserting in lieu thereof “dur-
 20 ing fiscal years 1994 and 1995”; and

21 (2) in subsection (e), by striking out “fiscal
 22 year 1994” and inserting in lieu thereof “fiscal
 23 years 1994 and 1995”.

24 (b) ACTIVITIES FOR WHICH ASSISTANCE MAY BE
 25 PROVIDED.—Subsection (b)(4) of such section is amended

1 by striking out “nuclear proliferation through joint tech-
2 nical projects and improved intelligence sharing” and in-
3 serting in lieu thereof “nuclear, biological, chemical, and
4 missile proliferation through technical projects and im-
5 proved information sharing”.

6 (c) SOURCES OF ASSISTANCE.—Subsection (d) of
7 such section is amended—

8 (1) in paragraph (1)—

9 (A) by inserting “for fiscal year 1994”
10 after “under this section”; and

11 (B) by striking out “fiscal year 1994 or”
12 and inserting in lieu thereof “fiscal year 1994.
13 Funds provided as assistance under this section
14 for fiscal year 1995 shall be derived from
15 amounts made available to the Department of
16 Defense for fiscal year 1995. Alternatively,
17 funds provided as assistance under this section
18 for a fiscal year referred to in this paragraph
19 may be derived”; and

20 (2) in paragraph (3), by inserting after
21 “\$25,000,000” the following: “for fiscal year 1994
22 or \$15,000,000 for fiscal year 1995”.

1 **SEC. 1022. JOINT COMMITTEE FOR THE REVIEW OF**
2 **COUNTERPROLIFERATION PROGRAMS OF**
3 **THE UNITED STATES.**

4 (a) COMPOSITION.—Subsection (a) of section 1605 of
5 the National Defense Authorization Act for Fiscal Year
6 1994 (Public Law 103–160; 107 Stat 1845) is amended—

7 (1) in paragraph (1)—

8 (A) by striking out “Non-Proliferation” in
9 the matter above subparagraph (A) and insert-
10 ing in lieu thereof “Counterproliferation”;

11 (B) by striking out subparagraphs (B) and
12 (E); and

13 (C) by redesignating subparagraphs (C),
14 (D), and (F) as subparagraphs (B), (C), and
15 (D), respectively;

16 (2) in paragraph (2), by adding at the end the
17 following: “The Secretary of Energy shall serve as
18 the Vice Chairman of the committee.”;

19 (3) in paragraph (4), by adding at the end the
20 following: “The Secretary of Energy may delegate to
21 the Under Secretary of Energy responsible for na-
22 tional security programs of the Department of En-
23 ergy the performance of the duties of the Vice
24 Chairman of the committee.”; and

25 (4) by striking out paragraph (5).

1 (b) PURPOSES OF COMMITTEE.—Subsection (b) of
2 such section is amended—

3 (1) in paragraph (1)(A), by striking out “non-
4 proliferation policy” and inserting in lieu thereof
5 “counterproliferation policy”; and

6 (2) by adding at the end the following new
7 paragraphs:

8 “(3) To prioritize programs and funding.

9 “(4) To encourage and facilitate interagency
10 and interdepartmental funding of programs in order
11 to ensure necessary levels of funding to develop, op-
12 erate, and field highly-capable systems.

13 “(5) To insure that Department of Energy pro-
14 grams are integrated with the operational needs of
15 other departments and agencies of the Federal Gov-
16 ernment.

17 “(6) To ensure that Department of Energy na-
18 tional security programs include development of sys-
19 tems for deployment as well as research.”.

20 (c) DUTIES.—Subsection (c) of such section is
21 amended—

22 (1) in paragraph (1)—

23 (A) by striking out “(including
24 counterproliferation capabilities) and tech-
25 nologies for support of United States non-

1 proliferation policy” in the matter above sub-
2 paragraph (A) and inserting in lieu thereof
3 “and technologies for support of United States
4 nonproliferation policy and counterproliferation
5 policy”;

6 (B) by inserting “and” at the end of sub-
7 paragraph (D); and

8 (C) by striking out subparagraphs (F) and
9 (G);

10 (2) by striking out paragraphs (2), (3), and (7);

11 (3) in paragraph (4), by striking out “to sup-
12 port fully the nonproliferation policy of the United
13 States”;

14 (4) by redesignating paragraphs (4), (5), and
15 (6) as paragraphs (2), (3), and (4), respectively; and

16 (5) by adding at the end the following new
17 paragraph (5):

18 “(5) assess each fiscal year the effectiveness of
19 the committee actions during the preceding fiscal
20 year, including, particularly, the status of rec-
21 ommendations made during such preceding fiscal
22 year that were reflected in the budget submitted to
23 Congress pursuant to section 1105(a) of title 31,
24 United States Code, for the fiscal year following the
25 fiscal year in which the assessment is made.”.

1 (d) COMMITTEE RECOMMENDATIONS.—Subsection
2 (e) of such section is amended to read as follows:

3 “(e) RECOMMENDATIONS.—The committee shall sub-
4 mit to the President and the heads of all appropriate de-
5 partments and agencies of the Federal Government such
6 programmatic recommendations regarding existing,
7 planned, or new programs as the committee considers ap-
8 propriate to encourage funding for capabilities and tech-
9 nologies at the level necessary to support United States
10 counterproliferation policy.”.

11 (e) EXTENSION OF COMMITTEE.—Subsection (f) of
12 such section is amended by striking out “six months after
13 the date on which the report of the Secretary of Defense
14 under section 1606 is submitted to Congress” and insert-
15 ing in lieu thereof “at the end of September 30, 1996”.

16 **SEC. 1023. REPORT ON COUNTERPROLIFERATION ACTIVI-**
17 **TIES AND PROGRAMS.**

18 (a) REPORT REQUIRED.—Not later than May 1,
19 1995, and not later than May 1 of each year thereafter,
20 the Secretary of Defense shall submit to the appropriate
21 committees of Congress a report of the findings of the
22 Counterproliferation Program Review Committee estab-
23 lished by section 1605 of the National Defense Authoriza-
24 tion Act for Fiscal Year 1994 (Public Law 103–160; 107
25 Stat 1845). The Secretary shall submit any special annex

1 of the report to the committees of Congress that tradition-
2 ally receive information in the annex in the performance
3 of oversight functions of such committees.

4 (b) CONTENT OF THE REPORT.—The report shall in-
5 clude the following matters:

6 (1) A complete list, by specific program ele-
7 ment, of the existing, planned, or newly proposed ca-
8 pabilities and technologies reviewed by the commit-
9 tee pursuant to section 1605(c) of Public Law 103–
10 160.

11 (2) A complete description of the requirements
12 and priorities established by the Counterproliferation
13 Program Review Committee.

14 (3) A comprehensive discussion of the near-
15 term, mid-term, and long-term programmatic op-
16 tions formulated by the committee for meeting re-
17 quirements prescribed by the committee and for
18 eliminating deficiencies identified by the committee,
19 including the annual funding requirements and com-
20 pletion dates established for each such option.

21 (4) An explanation of the recommendations
22 made pursuant to section 1605(c) of Public Law
23 103–160, together with a full discussion of the ac-
24 tions taken to implement such recommendations or
25 otherwise taken on the recommendations.

1 (5) A discussion and assessment of the status
2 of each committee recommendation during the fiscal
3 year preceding the fiscal year in which the report is
4 submitted, including, particularly, the status of rec-
5 ommendations made during such preceding fiscal
6 year that were reflected in the budget submitted to
7 Congress pursuant to section 1105(a) of title 31,
8 United States Code, in the fiscal year of the report.

9 (6) Each specific Department of Energy pro-
10 gram that the Secretary of Energy plans to develop
11 to initial operating capability and each such program
12 that the Secretary does not plan to develop to initial
13 operating capability.

14 (7) For each technology program scheduled to
15 reach initial operational capability, a recommenda-
16 tion from the Chairman of the Joint Chiefs of Staff
17 that represents the views of the commanders of the
18 unified and specified commands regarding the utility
19 and requirement of the program.

20 (c) FORMS OF REPORT.—The report shall be submit-
21 ted in both unclassified and classified forms, including an
22 annex to the classified report for special compartmented
23 information programs, special access programs, and spe-
24 cial activities programs.

25 (d) DEFINITIONS.—In this section:

1 (1) The term “appropriate committees of Con-
2 gress” means—

3 (A) the Committee on Armed Services, the
4 Committee on Appropriations, and the Select
5 Committee on Intelligence of the Senate; and

6 (B) the Committee on Armed Services, the
7 Committee on Appropriations, and the Select
8 Committee on Intelligence of the House of Rep-
9 resentatives.

10 (2) The term “intelligence community” has the
11 meaning given such term in section 3 of the Na-
12 tional Security Act of 1947 (50 U.S.C. 401a).

13 **SEC. 1024. AMOUNTS FOR COUNTERPROLIFERATION AC-**
14 **TIVITIES.**

15 (a) COUNTERPROLIFERATION ACTIVITIES.—Of the
16 amount authorized to be appropriated in section 201(4),
17 \$12,500,000 shall be available for counterproliferation ac-
18 tivities.

19 (b) EDUCATION IN SUPPORT OF COUNTER-
20 PROLIFERATION ACTIVITIES.—Of the amount authorized
21 to be appropriated in section 301(5), not more than
22 \$1,000,000 shall be available for providing education to
23 members of the Armed Forces in matters relating to
24 counterproliferation.

1 **SEC. 1025. RESTRICTION RELATING TO REPORT ON PRO-**
 2 **LIFERATION OF FOREIGN MILITARY SAT-**
 3 **ELLITES.**

4 None of the funds available to the Department of De-
 5 fense for travel may be expended for travel by the Assist-
 6 ant Secretary of Defense for International Security Policy
 7 until the Secretary of Defense submits to Congress the
 8 report required by section 1363 of the National Defense
 9 Authorization Act for Fiscal Year 1993 (Public Law 102–
 10 484; 106 Stat. 2560) together with the certification re-
 11 quired by section 211(d) of the National Defense Author-
 12 ization Act for Fiscal Year 1994 (Public Law 103–160;
 13 107 Stat. 1584).

14 **Subtitle D—Peace Operations**

15 **SEC. 1031. REPORTS ON REFORMING MULTILATERAL**
 16 **PEACE OPERATIONS.**

17 (a) **REPORTS REQUIRED.**—The Secretary of Defense
 18 shall submit to the congressional defense committees two
 19 reports on United States proposals for improving United
 20 Nations management of peace operations. The Secretary
 21 shall submit the first report not later than December 1,
 22 1994, and the second report not later than June 1, 1995.

23 (b) **CONTENT OF REPORTS.**—(1) Each report shall
 24 contain—

25 (A) a discussion of the status of implementation
 26 of United States proposals contained in section IV

1 (relating to strengthening the United Nations) of the
2 document entitled “The Clinton Administration’s
3 Policy on Reforming Multilateral Peace Operations”
4 that was issued by the Executive Office of the Presi-
5 dent in May 1994; and

6 (B) an analysis of the results of such implemen-
7 tation.

8 (2) Each report shall cover, at a minimum, the fol-
9 lowing matters:

10 (A) The reconfiguration and expansion of the
11 staff for the United Nations Department of Peace-
12 keeping Operations.

13 (B) The elimination by the United Nations of
14 lengthy, potentially disastrous delays after a peace
15 operation has been authorized.

16 (C) The establishment by the United Nations of
17 a professional peace operations training program for
18 commanders and other military and civilian person-
19 nel.

20 (D) United States assistance to facilitate im-
21 provements by the United Nations in the matters
22 described in subparagraphs (A) and (C) and the
23 terms under which such assistance has been or is
24 being provided.

1 (c) DEFINITION.—Is this section, the term “peace op-
2 eration” means an operation to maintain or restore inter-
3 national peace and security under chapter VI or chapter
4 VII of the Charter of the United Nations.

5 **SEC. 1032. SUPPORT FOR INTERNATIONAL PEACEKEEPING**
6 **AND PEACE ENFORCEMENT.**

7 (a) SENSE OF CONGRESS.—It is the sense of Con-
8 gress that—

9 (1) the President should initiate consultations
10 with the bipartisan leadership of Congress, including
11 the leadership of the relevant committees, as far in
12 advance as possible regarding international peace-
13 keeping or peace enforcement activities of the Unit-
14 ed Nations that would involve the participation of
15 United States combat forces and such consultations
16 should continue throughout the duration of such ac-
17 tivities;

18 (2) the consultations should take place prior to
19 the vote by the United States on United Nations Se-
20 curity Council resolutions authorizing, extending, or
21 revising the mandates for these types of activities;

22 (3) United Nations Security Council resolutions
23 authorizing peacekeeping or peace enforcement ac-
24 tivities should clearly state the threat to inter-
25 national peace and security presented by the conflict

1 in question, as well as the political and military ob-
2 jectives, the anticipated duration, and an exit strat-
3 egy for each activity;

4 (4) the United States should be fully reim-
5 bursed for troop contributions and assistance pro-
6 vided to United Nations peacekeeping and peace en-
7 forcement activities;

8 (5) the United Nations should rarely conduct
9 peace enforcement operations in view of the complex-
10 ity of such operations and the difficulty of achieving
11 unity of command and expeditious decisionmaking
12 through the United Nations;

13 (6) United States combat forces should be
14 under the operational control of qualified command-
15 ers and should have clear and effective command
16 and control arrangements, appropriate rules of en-
17 gagement, and clear and unambiguous mission state-
18 ments;

19 (7) United States combat forces should not be
20 under the command and control of foreign com-
21 manders in peace enforcement operations conducted
22 by the United Nations except in the most extraor-
23 dinary circumstances; and

24 (8) the Secretary of Defense should have the
25 lead responsibility within the executive branch for

1 the management of peacekeeping and peace enforce-
2 ment activities of the United Nations in which
3 United States combat forces participate.

4 (b) SUPPORT AUTHORIZED.—(1) Section 403 of title
5 10, United States Code, is amended to read as follows:

6 **“§ 403. International peacekeeping and international**
7 **peace enforcement: support involving**
8 **United States combat forces**

9 “(a) AUTHORITY.—Notwithstanding any other provi-
10 sion of law, the Secretary of Defense may—

11 “(1) pay, out of funds in the Contributions for
12 International Peacekeeping and Peace Enforcement
13 Activities Fund established by subsection (g), the
14 United States fair share (as determined by the Sec-
15 retary) of assessments for international peacekeep-
16 ing or international peace enforcement activities of
17 the United Nations in which United States combat
18 forces participate; and

19 “(2) furnish assistance, on a reimbursable
20 basis, in support of such activities.

21 “(b) FORMS OF ASSISTANCE.—Assistance provided
22 under this section may include supplies, services, and
23 equipment.

24 “(c) DETERMINATION REQUIRED.—No assessment
25 may be paid and no assistance may be furnished pursuant

1 to this section unless the President determines that the
2 provision of assistance is in the national interest of the
3 United States.

4 “(d) ADVANCE NOTICE.—(1) In the case of any inter-
5 national peacekeeping or international peace enforcement
6 operation of the United Nations in which United States
7 combat forces are to participate, not less than 15 days
8 before an initial deployment of United States combat
9 forces, payment of a United Nations assessment, furnish-
10 ing of assistance of a value in excess of \$14,000,000, or
11 waiver of reimbursement to the United States under sub-
12 section (e), the President shall transmit to the designated
13 congressional committees a report, which may be classified
14 in whole or in part, that contains the determination re-
15 quired by subsection (c) and the following matters:

16 “(A) A description of the threat to international
17 peace and security presented by the conflict involved.

18 “(B) The United States interests that will be
19 advanced by the operation and by the United States
20 action.

21 “(C) The political and military objectives of the
22 operation.

23 “(D) The exit criteria and likely duration of the
24 operation.

1 “(E) The personnel and material resources that
2 have been pledged, or are otherwise expected to be
3 made available, by other nations to the United Na-
4 tions for the operation.

5 “(F) The units of the armed forces that will
6 participate.

7 “(G) The necessity for involvement of United
8 States forces.

9 “(H) The command arrangements for those
10 forces and, if any of the United States forces are to
11 be placed under the operational control of foreign
12 commanders, the justification for doing so.

13 “(I) The rules of engagement for the operation.

14 “(J) An assessment of the risks involved in the
15 operation.

16 “(K) In the case of payment of an assessment,
17 the amount to be paid and the terms under which
18 the payment is to be made.

19 “(L) In the case of assistance, the supplies,
20 services, or equipment to be provided by the United
21 States and the terms under which such supplies,
22 services, or equipment are to be provided.

23 “(M) In the case of a waiver of reimbursement,
24 the justification for the waiver.

1 “(2) If the President determines that an unforeseen
2 emergency requires the immediate deployment of United
3 States combat troops or the immediate furnishing of as-
4 sistance of a value in excess of \$14,000,000 under this
5 section, the President—

6 “(A) may waive the requirement of paragraph
7 (1) that a report be transmitted at least 15 days in
8 advance of the action; and

9 “(B) shall promptly notify the designated com-
10 mittees of such waiver and such deployment or
11 transfer.

12 “(e) REIMBURSEMENT.—(1) The President shall re-
13 quire reimbursement from the United Nations or from any
14 other source for the participation of any force of the
15 armed forces in support of international peacekeeping or
16 international peace enforcement activities of the United
17 Nations or for the provision of assistance by the Secretary
18 of Defense in support of such activities.

19 “(2) Any funds received as reimbursements shall be
20 used as follows:

21 “(A) As a first priority, for the payment of the
22 incremental costs of the military departments and
23 Defense Agencies providing the participating United
24 States forces or the supplies, services, or equipment
25 involved.

1 “(B) As a second priority, for the payment of
2 the incremental costs of any other United States
3 forces that are operating in support of international
4 peacekeeping or international peace enforcement ac-
5 tivities but for which reimbursement is not possible.

6 “(3) After use of reimbursement funds for the pur-
7 poses specified in paragraph (2), any remainder of such
8 funds shall be credited to the Contributions for Inter-
9 national Peacekeeping and Peace Enforcement Activities
10 Fund established by subsection (g).

11 “(4) Reimbursements utilized for the payment of in-
12 cremental costs shall be credited, at the option of the Sec-
13 retary of the military department concerned or the head
14 of the Defense Agency concerned, either to an appropria-
15 tion, fund, or other account obligated to pay such costs
16 or to an appropriate appropriation, fund, or other account
17 available for paying such costs.

18 “(f) WAIVER OF REIMBURSEMENT.—The President
19 may waive, in whole or in part, any reimbursement re-
20 quired under subsection (a)(2) or (e) in exceptional cir-
21 cumstances upon determining that such waiver is in the
22 national interest of the United States.

23 “(g) ESTABLISHMENT OF ACCOUNT.—There is here-
24 by established in the Treasury of the United States a fund
25 to be known as the ‘Contributions for International Peace-

1 keeping and Peace Enforcement Activities Fund’.
2 Amounts appropriated or otherwise credited to the Fund
3 shall be available until expended for, and shall be used
4 for, paying assessments for United Nations operations
5 under this section.

6 “(h) AUTHORITY INAPPLICABLE WHEN UNITED
7 STATES COMBAT FORCES NOT INVOLVED.—The author-
8 ity in subsection (a) to pay United Nations assessments
9 for international peacekeeping and international peace en-
10 forcement activities of the United Nations may not be con-
11 strued as authorizing payment of United Nations assess-
12 ments for any such activity in which United States combat
13 forces do not participate.

14 “(i) COORDINATION WITH OTHER LAWS.—This sec-
15 tion may not be construed as superseding any provision
16 of the War Powers Resolution. This section does not pro-
17 vide authority for the participation of United States com-
18 bat forces in any international peacekeeping or inter-
19 national peace enforcement operation.

20 “(j) DEFINITIONS.—In this section:

21 “(1) The term ‘designated congressional com-
22 mittees’ means the Committees on Armed Services,
23 Appropriations, and Foreign Relations of the Senate
24 and the Committees on Armed Services, Appropria-

1 tions, and Foreign Affairs of the House of Rep-
2 resentatives.

3 “(2) The term ‘combat forces’ means forces of
4 the armed forces that have combat missions as pri-
5 mary missions.

6 “(3) The term ‘international peacekeeping’
7 means those activities performed pursuant to Chap-
8 ter VI of the United Nations Charter.

9 “(4) The term ‘international peace enforcement’
10 means those activities performed pursuant to Chap-
11 ter VII of the United Nations Charter.”.

12 (2) The item relating to section 403 in the table of
13 sections at the beginning of subchapter I of chapter 20
14 of such title is amended to read as follows:

 “403. International peacekeeping and international peace enforcement: support
 involving United States combat forces.”.

15 (c) AUTHORIZED SUPPORT FOR FISCAL YEAR
16 1995.—Not more than \$300,000,000 is authorized to be
17 appropriated for fiscal year 1995 for the Contributions for
18 International Peacekeeping and Peace Enforcement Ac-
19 tivities Fund under section 301(20).

Subtitle E—Reporting Requirements

SEC. 1041. REPORT ON OFFENSIVE BIOLOGICAL WARFARE PROGRAM OF THE STATES OF THE FORMER SOVIET UNION.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States has identified non-proliferation as a high priority in the conduct of United States national security policy.

(2) The United States is seeking universal adherence to global regimes that control nuclear, chemical, and biological weapons and is promoting new measures that provide increased transparency of biological weapons-related activities and facilities in an effort to help deter violations of and enhance compliance with the Biological Weapons Convention (BWC).

(3) Questions continue to arise regarding offensive biological weapons research, development, testing production, and storage in the countries of the former Soviet Union as well as in other countries.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

1 (1) the President should continue to urge all
2 signatories to the Biological Weapons Convention to
3 comply fully with the terms of that convention and
4 with other international agreements relating to the
5 control of biological weapons; and

6 (2) as the President encourages increased
7 transparency of biological weapons-related activities
8 and facilities to deter violations of and enhance com-
9 pliance with the Biological Weapons Convention, the
10 President should also take appropriate actions to en-
11 sure that the United States is prepared to counter
12 the effects of use of biological weapons by others.

13 (c) REPORT REQUIRED.—Not later than 120 days
14 after the enactment of this Act, the Secretary of Defense
15 shall submit to the congressional defense committees a re-
16 port on the status of the offensive biological warfare pro-
17 gram in the Russian Federation and the other independ-
18 ent states of the former Soviet Union.

19 (d) CONTENT OF REPORT.—The report shall include
20 the following matters:

21 (1) An assessment of the extent of compliance
22 of the independent states of the former Soviet Union
23 with the Biological Weapons Convention and other
24 international agreements relating to the control of
25 biological weapons.

1 (2) An evaluation of the extent of control and
2 oversight by the government of the Russian Federa-
3 tion over the former Soviet military and dual civil-
4 ian-military biological warfare programs.

5 (3) The extent, if any, of the biological warfare
6 agent stockpile in any of the independent states of
7 the former Soviet Union.

8 (4) The extent and scope, if any, of continued
9 biological warfare research, development, testing,
10 and production by such state, including the sites and
11 types of activity at those sites.

12 (5) An evaluation of the effectiveness of pos-
13 sible delivery systems of biological weapons, includ-
14 ing tube and rocket artillery, bomber aircraft, and
15 ballistic missiles.

16 (6) An evaluation of United States capabilities
17 to detect and monitor biological warfare research,
18 development, testing, production, and storage.

19 (7) On the basis of the assessment and evalua-
20 tions referred to in other paragraphs of this sub-
21 section, recommendations by the Secretary of De-
22 fense and Chairman of the Joint Chiefs of Staff for
23 the improvement of United States biological warfare
24 defense and counter-measures.

1 (e) FORM OF REPORT.—The Secretary shall submit
2 the report in classified and unclassified versions.

3 (f) DEFINITIONS.—In this section:

4 (1) The term “Biological Weapons Convention”
5 means the Convention on the Prohibition, Produc-
6 tion, and Stockpiling of Bacteriological (Biological)
7 and Toxin Weapons and on Their Destruction, done
8 at Washington, London, and Moscow on April 10,
9 1972.

10 (2) The term “independent states of the former
11 Soviet Union” has the same meaning given that
12 term in section 3 of the FREEDOM Support Act
13 (22 U.S.C. 5801).

14 **SEC. 1042. CONTINUATION OF REQUIREMENTS FOR SUB-**
15 **MITTAL OF CERTAIN REPORTS TO CON-**
16 **GRESS.**

17 (a) PRESERVATION OF REQUIREMENTS.—The re-
18 porting requirements set forth in the provisions of law re-
19 ferred to in subsection (b) shall not terminate under sub-
20 section (a) of section 1151 of the National Defense Au-
21 thorization Act for Fiscal Year 1994 (Public Law 103–
22 160; 107 Stat. 1758; 10 U.S.C. 113 note).

23 (b) COVERED REPORTS.—Subsection (a) applies to
24 the reports required under the following provisions of law:

1 (1) Section 2662 of title 10, United States
2 Code, relating to reports on real property trans-
3 actions.

4 (2) Section 2672a(b) of title 10, United States
5 Code, relating to reports on urgent acquisitions of
6 land.

7 (3) Section 2687(b)(1) of title 10, United
8 States Code, relating to notifications of certain base
9 closures and realignments.

10 (4) Section 2690(b)(2) of title 10, United
11 States Code, relating to notifications of proposed
12 conversions of heating facilities at United States in-
13 stallations in Europe.

14 (5) Section 2804(b) of title 10, United States
15 Code, relating to reports on contingency military
16 construction projects.

17 (6) Section 2806(c)(2) of title 10, United
18 States Code, relating to reports on contributions for
19 NATO infrastructure in excess of amounts appro-
20 priated for such contributions.

21 (7) Subsections (b) and (c) of section 2807 of
22 title 10, United States Code, relating to notifications
23 and reports on architectural and engineering services
24 and construction design.

1 (8) Section 2823(b) of title 10, United States
2 Code, relating to notifications regarding disagree-
3 ments between certain officials on the availability of
4 locations for suitable alternative housing for the De-
5 partment of Defense.

6 (9) Subsections (b) and (c) of section 2825 of
7 title 10, United States Code, relating to notifications
8 regarding improvements of family housing or con-
9 struction of replacement family housing.

10 (10) Section 2827(b) of title 10, United States
11 Code, relating to notifications regarding relocation of
12 military family housing units.

13 (11) Section 2835(g)(1) of title 10, United
14 States Code, relating to economic analyses on the
15 cost effectiveness of leasing family housing to be
16 constructed or rehabilitated.

17 (12) Section 2861(a) of title 10, United States
18 Code, relating to the annual report on military con-
19 struction activities and family housing activities.

20 (13) Subsections (e) and (f) of section 2865 of
21 title 10, United States Code, relating to notifications
22 regarding unauthorized energy conservation con-
23 struction projects and an annual report regarding
24 energy conservation actions.

1 (14) Section 406(i) of title 37, United States
2 Code, relating to the annual report regarding de-
3 pendents accompanying members stationed outside
4 the United States in relation to the eligibility of such
5 members to receive travel and transportation allow-
6 ances.

7 (15) Section 1008(a) of title 37, United States
8 Code, relating to the annual report by the President
9 on adjustments of rates of pay and allowances for
10 members of the uniformed services.

11 (16) Section 326(a)(5) of the National Defense
12 Authorization Act for Fiscal Year 1993 (Public Law
13 102-484; 106 Stat. 2368; 10 U.S.C. 2301 note), re-
14 lating to reports on use of certain ozone-depleting
15 substances.

16 (17) Subsections (e) and (f) of section 2921 of
17 the National Defense Authorization Act for Fiscal
18 Year 1991 (10 U.S.C. 2687 note), relating to notifi-
19 cations regarding negotiations for payments-in-kind
20 for the release of improvements at overseas military
21 installations to host countries and an annual report
22 on the status and use of the Department of Defense
23 Overseas Military Facility Investment Recovery Ac-
24 count.

1 (18) Section 1505(f)(3) of the Military Child
 2 Care Act of 1989 (title XV of Public Law 101–189;
 3 103 Stat. 1594; 10 U.S.C. 113 note), relating to re-
 4 ports on closures of military child development cen-
 5 ters.

6 (19) Subsections (a) and (d) of section 7 of the
 7 Organotin Antifouling Paint Control Act of 1988
 8 (Public Law 100–133; 102 Stat. 607; 33 U.S.C.
 9 2406), relating to the annual report on the monitor-
 10 ing of estuaries and near-coastal waters for con-
 11 centrations of organotin.

12 **Subtitle F—Acceptance of Pre-re-**
 13 **lease Services of Nonviolent Of-**
 14 **fenders**

15 **SEC. 1051. USE OF INMATE LABOR AT MILITARY INSTALLA-**
 16 **TIONS.**

17 (a) USE OF INMATE LABOR AUTHORIZED.—Chapter
 18 155 of title 10, United States Code, is amended by adding
 19 at the end the following new section:

20 **“§ 2610. Acceptance of services of inmates of State**
 21 **and local correctional facilities**

22 “(a) USE OF INMATE LABOR.—Subject to subsection
 23 (c), the Secretary of a military department may accept in
 24 accordance with this section the services of nonviolent of-
 25 fenders incarcerated in a correctional facility of a State

1 or local government. Services so accepted shall be per-
2 formed at a military installation in the vicinity of the cor-
3 rectional facility pursuant to an agreement entered into
4 by the Secretary and the chief executive of the State or
5 local government.

6 “(b) AUTHORIZED SERVICES.—The services author-
7 ized to be accepted are as follows:

8 “(1) Construction, maintenance, or repair of
9 roads.

10 “(2) Construction of levees or other flood pre-
11 vention structures.

12 “(3) Construction, maintenance, or repair of
13 any other public ways or works.

14 “(4) Clearance, maintenance, or reforestation of
15 public lands.

16 “(5) Custodial services.

17 “(c) CONDITIONS FOR ACCEPTANCE OF SERVICES.—
18 The Secretary may accept the services of nonviolent of-
19 fenders for a military installation under this section only
20 if the Secretary finds that—

21 “(1) Federal Government employees and con-
22 tractor employees performing services at the installa-
23 tion will not be displaced;

24 “(2) no contract for the provision of services at
25 the installation will otherwise be impaired; and

1 “(3) in the case of services in any skill, craft,
2 or trade, there is no surplus of labor for hire in such
3 skill, craft, or trade in the vicinity of the installa-
4 tion.

5 “(d) LIMITATION ON PAYMENTS TO CUSTODIAL GOV-
6 ERNMENTS.—(1) Except as provided in paragraph (2), the
7 Secretary of a military department may not compensate
8 a State or local government for the costs incurred by such
9 government in the provision of services accepted under
10 this section.

11 “(2) The Secretary may—

12 “(A) reimburse a State or local government for
13 administrative and other costs directly incurred by
14 that government in making available and supervising
15 offenders as they provide services accepted under
16 this section; and

17 “(B) pay a nominal amount to the State or
18 local government in order to support any alcohol and
19 drug abuse treatment programs conducted by that
20 government for the offenders who provide such serv-
21 ices.

22 “(e) PROHIBITION ON COMPENSATION OF IN-
23 MATES.—The Secretary may not compensate any offender
24 for services accepted under this section.

1 “(f) SUPPORT AUTHORIZED.—The Secretary may
2 provide equipment, supplies, or other materials to be used
3 by offenders in the provision of services accepted under
4 this section.

5 “(g) INAPPLICABILITY OF OTHER LAWS.—The fol-
6 lowing provisions of law shall not apply with respect to
7 services accepted under this section:

8 “(1) Section 1342 of title 31.

9 “(2) The Fair Labor Standards Act of 1938
10 (29 U.S.C. 201 et seq.).

11 “(3) The Act entitled ‘An Act relating to the
12 rate of wages for laborers and mechanics employed
13 on public buildings of the United States and the
14 District of Columbia by contractors and subcontrac-
15 tors, and for other purposes’, approved March 3,
16 1931 (46 Stat. 1494; 40 U.S.C. 276a et seq.), com-
17 monly referred to as the ‘Davis-Bacon Act’.

18 “(4) The Act entitled ‘An Act to provide condi-
19 tions for the purchases of supplies and the making
20 of contracts by the United States, and for other pur-
21 poses’, approved June 30, 1936 (49 Stat. 2036; 41
22 U.S.C. 35 et seq.), commonly referred to as the
23 ‘Walsh-Healey Act’.

24 “(5) The Service Contract Act of 1965 (41
25 U.S.C. 351 et seq.).”.

1 (b) CLERICAL AMENDMENT.—The table of sections
 2 at the beginning of such chapter is amended by adding
 3 at the end the following:

“2610. Acceptance of services of inmates of State and local correctional facilities.”.

4 **SEC. 1052. REVISION OF AUTHORITY FOR USE OF NAVY IN-**
 5 **STALLATIONS TO PROVIDE EMPLOYMENT**
 6 **TRAINING TO NONVIOLENT OFFENDERS IN**
 7 **STATE PENAL SYSTEMS.**

8 (a) SOURCES OF TRAINING.—Subsection (b) of sec-
 9 tion 1374 of the National Defense Authorization Act for
 10 Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1821;
 11 10 U.S.C. 5013 note) is amended—

12 (1) by striking out the subsection caption and
 13 inserting in lieu thereof “SOURCES OF TRAIN-
 14 ING.—”; and

15 (2) by inserting before the period at the end the
 16 following: “or may provide such training directly at
 17 such installations by agreement with the State con-
 18 cerned”.

19 (b) LIABILITY AND INDEMNIFICATION.—Subsection
 20 (e) of such section is amended—

21 (1) by inserting “(1)” before “A nonprofit orga-
 22 nization”; and

23 (2) by adding at the end the following:

1 “(2) In any case in which the Secretary provides
2 prerelease employment training directly by agreement with
3 the State concerned, the State shall—

4 “(A) be liable for any loss or damage to Federal
5 Government property that may result from, or in
6 connection with, the provision of the training except
7 to the extent that the loss or damage results from
8 a wrongful act or omission of Federal Government
9 personnel; and

10 “(B) hold harmless and indemnify the United
11 States from and against any suit, claim, demand, ac-
12 tion, or liability arising out of any claim for personal
13 injury or property damage that may result from, or
14 in connection with, the provision of the training ex-
15 cept to the extent that the personal injury or prop-
16 erty damage results from a wrongful act or omission
17 of Federal Government personnel.”.

18 **SEC. 1053. USE OF ARMY INSTALLATIONS TO PROVIDE EM-**
19 **PLOYMENT TRAINING TO NONVIOLENT OF-**
20 **FENDERS IN STATE PENAL SYSTEMS.**

21 (a) DEMONSTRATION PROJECT AUTHORIZED.—The
22 Secretary of the Army may conduct a demonstration
23 project to test the feasibility of using Army facilities to
24 provide employment training to nonviolent offenders in a
25 State penal system prior to their release from incarcer-

1 ation. The demonstration project shall be limited to not
2 more than three military installations under the jurisdic-
3 tion of the Secretary.

4 (b) SOURCES OF TRAINING.—The Secretary may
5 enter into a cooperative agreement with one or more pri-
6 vate, nonprofit organizations for purposes of providing at
7 the military installations included in the demonstration
8 project the prerelease employment training authorized
9 under subsection (a) or may provide such training directly
10 at such installations by agreement with the State con-
11 cerned.

12 (c) USE OF FACILITIES.—Under a cooperative agree-
13 ment entered into under subsection (b), the Secretary may
14 lease or otherwise make available to a nonprofit organiza-
15 tion participating in the demonstration project at a mili-
16 tary installation included in the demonstration project any
17 real property or facilities at the installation that the Sec-
18 retary considers to be appropriate for use to provide the
19 prerelease employment training authorized under sub-
20 section (a). Notwithstanding section 2667(b)(4) of title
21 10, United States Code, the use of such real property or
22 facilities may be permitted with or without reimburse-
23 ment.

24 (d) ACCEPTANCE OF SERVICES.—Notwithstanding
25 section 1342 of title 31, United States Code, the Secretary

1 may accept voluntary services provided by persons partici-
2 pating in the prerelease employment training authorized
3 under subsection (a).

4 (e) LIABILITY AND INDEMNIFICATION.—(1) A non-
5 profit organization participating in the demonstration
6 project shall—

7 (A) be liable for any loss or damage to Federal
8 Government property that may result from, or in
9 connection with, the provision of prerelease employ-
10 ment training by the organization under the dem-
11 onstration project; and

12 (B) hold harmless and indemnify the United
13 States from and against any suit, claim, demand, ac-
14 tion, or liability arising out of any claim for personal
15 injury or property damage that may result from or
16 in connection with the demonstration project.

17 (2) In any case in which the Secretary provides
18 prerelease employment training directly by agreement with
19 the State concerned, the State shall—

20 (A) be liable for any loss or damage to Federal
21 Government property that may result from, or in
22 connection with, the provision of the training except
23 to the extent that the loss or damage results from
24 a wrongful act or omission of Federal Government
25 personnel; and

1 (B) hold harmless and indemnify the United
 2 States from and against any suit, claim, demand, ac-
 3 tion, or liability arising out of any claim for personal
 4 injury or property damage that may result from, or
 5 in connection with, the provision of the training ex-
 6 cept to the extent that the personal injury or prop-
 7 erty damage results from a wrongful act or omission
 8 of Federal Government personnel.

9 (f) REPORT.—Not later than two years after the date
 10 of the enactment of this Act, the Secretary shall submit
 11 to Congress a report evaluating the success of the dem-
 12 onstration project and containing such recommendations
 13 with regard to the termination, continuation, or expansion
 14 of the demonstration project as the Secretary considers
 15 appropriate.

16 **Subtitle G—Other Matters**

17 **SEC. 1061. REDESIGNATION OF UNITED STATES COURT OF** 18 **MILITARY APPEALS AND THE COURTS OF** 19 **MILITARY REVIEW.**

20 (a) UNITED STATES COURT OF APPEALS FOR THE
 21 ARMED SERVICES.—Section 941 of title 10, United States
 22 Code (article 141 of the Uniform Code of Military Jus-
 23 tice), is amended by striking out “United States Court of
 24 Military Appeals” and inserting in lieu thereof “United
 25 States Court of Appeals for the Armed Services”.

1 (b) COURTS OF MILITARY CRIMINAL APPEALS.—Sec-
2 tion 866 of title 10, United States Code (article 66 of the
3 Uniform Code of Military Justice), is amended by striking
4 out “Court of Military Review” each place it appears and
5 inserting in lieu thereof “Court of Military Criminal Ap-
6 peals”.

7 (c) CONFORMING AMENDMENTS TO TITLE 10.—(1)
8 The following sections of title 10, United States Code, are
9 amended by striking out “Court of Military Appeals” each
10 place it appears and inserting in lieu thereof “Court of
11 Appeals for the Armed Services”: sections 707(a)(2),
12 866(e), 867, 867a(a), 870, 871(c)(1), 873, 942, 943, 944,
13 945, and 946(b)(1).

14 (2) The following sections of title 10, United States
15 Code, are amended by striking out “Court of Military Re-
16 view” each place it appears and inserting in lieu thereof
17 “Court of Military Criminal Appeals”: sections 707(a)(2),
18 862(b), 867, 868, 869, 870, 871, and 873.

19 (3)(A) The heading of subchapter XII of chapter 47
20 of such title is amended to read as follows:

21 “SUBCHAPTER XII—UNITED STATES COURT OF
22 APPEALS FOR THE ARMED SERVICES”.

23 (B) The table of subchapters at the beginning of
24 chapter 47 of such title is amended by striking out the

1 item relating to subchapter XII and inserting in lieu there-
 2 of the following:

“XII. United States Court of Appeals for the Armed Services 941 141”.

3 (4)(A) The heading of section 866 of such title is
 4 amended to read as follows:

5 **“§ 867. Art. 66. Review by Court of Military Criminal**
 6 **Appeals”.**

7 (B) The heading of section 867 of such title is
 8 amended to read as follows:

9 **“§ 867. Art. 67. Review by the Court of Appeals for the**
 10 **Armed Services”.**

11 (C) The table of sections at the beginning of sub-
 12 chapter IX of chapter 47 of such title is amended by strik-
 13 ing out the items relating to sections 866 and 867 (articles
 14 66 and 67) and inserting in lieu thereof the following:

“866. 66. Review by Court of Military Criminal Appeals.

“867. 67. Review by the Court of Appeals for the Armed Services.”.

15 (d) CONFORMING AMENDMENTS TO OTHER UNITED
 16 STATES CODE TITLES.—(1) The following provisions of
 17 the United States Code are amended by striking out
 18 “Court of Military Appeals” each place it appears and in-
 19 serting in lieu thereof “Court of Appeals for the Armed
 20 Services”:

21 (A) In title 5, sections 8334(a)(1), 8336(l),
 22 8337(a), 8338(c), 8339(d)(7), and 8339(h) and the
 23 table in 8334(c).

1 (B) In title 18, sections 202(e)(2) and 6001(4).

2 (C) In title 28, sections 1259 and 2101(g).

3 (D) In title 44, section 906.

4 (2)(A) The heading of section 1259 of title 28, Unit-
5 ed States Code, is amended to read as follows:

6 **“§ 1259. Court of Appeals for the Armed Services; cer-**
7 **tiorari”.**

8 (B) The table of sections at the beginning of chapter
9 81 of such title is amended by striking out the item relat-
10 ing to section 1259 and inserting in lieu thereof the follow-
11 ing:

“1259. Court of Appeals for the Armed Services; certiorari.”.

12 (e) CONFORMING AMENDMENT TO OTHER LAW.—
13 Section 109 of the Ethics in Government Act of 1978 (5
14 U.S.C. App.) is amended by striking out “Court of Mili-
15 tary Appeals” each place it appears in paragraphs (8) and
16 (10) and inserting in lieu thereof “Court of Appeals for
17 the Armed Services”.

18 **SEC. 1062. ASSISTANCE TO FAMILY MEMBERS OF CERTAIN**
19 **POW/MIAS WHO REMAIN UNACCOUNTED FOR.**

20 (a) SINGLE POINT OF CONTACT.—The Secretary of
21 Defense shall designate an official of the Department of
22 Defense to serve as a single point of contact within the
23 department—

1 (1) for the immediate family members (or their
2 designees) of any unaccounted-for Korean conflict
3 POW/MIA; and

4 (2) for the immediate family members (or their
5 designees) of any unaccounted-for Cold War POW/
6 MIA.

7 (b) FUNCTIONS.—The official designated under sub-
8 section (a) shall serve as a liaison between the family
9 members of unaccounted-for Korean conflict POW/MIAs
10 and unaccounted-for Cold War POW/MIAs and the De-
11 partment of Defense and other Federal departments and
12 agencies that may hold information that may related to
13 such POW/MIAs. The functions of that official shall in-
14 clude assisting family members—

15 (1) with the procedures the family may follow
16 in their search for information about the unac-
17 counted-for Korean conflict POW/MIA or unac-
18 counted-for Cold War POW/MIA, as the case may
19 be;

20 (2) in learning where they may locate informa-
21 tion about the unaccounted-for POW/MIA; and

22 (3) in learning how and where to identify classi-
23 fied records that contain pertinent information and
24 that will be declassified.

1 (c) ASSISTANCE IN OBTAINING DECLASSIFICA-
2 TION.—The official designated under subsection (a) shall
3 seek to obtain the rapid declassification of any relevant
4 classified records that are identified.

5 (d) REPOSITORY.—The official designated under sub-
6 section (a) shall provide for a centralized repository for
7 all documents relating to unaccounted-for Korean conflict
8 POW/MIAs and unaccounted-for Cold War POW/MIAs
9 that are located as a result of the official's efforts.

10 (e) DEFINITIONS.—For purposes of this section:

11 (1) The term “unaccounted-for Korean conflict
12 POW/MIA” means a member of the Armed Forces
13 or civilian employee of the United States who, as a
14 result of service during the Korean conflict, was at
15 any time classified as a prisoner of war or missing-
16 in-action or otherwise unaccounted for and whose
17 person or remains have not been returned to the
18 United States and who remains unaccounted for.

19 (2) The term “unaccounted-for Cold War POW/
20 MIA” means a member of the Armed Forces or ci-
21 vilian employee of the United States who, as a result
22 of service during the period from September 2,
23 1945, to August 21, 1991, was at any time classified
24 as a prisoner of war or missing-in-action or other-
25 wise unaccounted for and whose person or remains

1 have not been returned to the United States and
2 who remains unaccounted for.

3 (3) The term “Korean conflict” has the mean-
4 ing given such term in section 101(9) of title 38,
5 United States Code.

6 **SEC. 1063. NATIONAL GUARD ASSISTANCE FOR CERTAIN**
7 **YOUTH AND CHARITABLE ORGANIZATIONS.**

8 (a) AUTHORITY TO PROVIDE ASSISTANCE.—Chapter
9 5 of title 32, United States Code, is amended by adding
10 at the end the following:

11 **“§ 508. Assistance for certain youth and charitable or-**
12 **ganizations**

13 “(a) AUTHORITY TO PROVIDE SERVICES.—Members
14 and units of the National Guard may provide the services
15 described in subsection (b) to an eligible organization in
16 conjunction with training required under this chapter in
17 any case in which—

18 “(1) the provision of such services does not ad-
19 versely affect the quality of that training or other-
20 wise interfere with the ability of a member or unit
21 of the National Guard to perform the military func-
22 tions of the member or unit;

23 “(2) the services to be provided are not com-
24 mercially available, or any commercial entity that
25 would otherwise provide such services has approved,

1 in writing, the provision of such services by the Na-
2 tional Guard;

3 “(3) National Guard personnel will enhance
4 their military skills as a result of providing such
5 services; and

6 “(4) the provision of the services will not result
7 in a significant increase in the cost of the training.

8 “(b) AUTHORIZED SERVICES.—The services author-
9 ized to be provided under subsection (a) are as follows:

10 “(1) Ground transportation.

11 “(2) Air transportation in support of Special
12 Olympics.

13 “(3) Administrative support services.

14 “(4) Technical training services.

15 “(5) Emergency medical assistance and serv-
16 ices.

17 “(6) Communications services.

18 “(7) Security services.

19 “(c) OTHER AUTHORIZED ASSISTANCE.—Facilities
20 and equipment of the National Guard, including military
21 property of the United States issued to the National
22 Guard and General Services Administration vehicles
23 leased to the National Guard, and General Services Ad-
24 ministration vehicles leased to the Department of Defense,

1 may be used in connection with providing services to any
 2 eligible organization under this section.

3 “(d) ELIGIBLE ORGANIZATIONS.—The organizations
 4 eligible to receive services under this section are as follows:

5 “(1) The Boy Scouts of America.

6 “(2) The Girl Scouts of America.

7 “(3) The Boys Clubs of America.

8 “(4) The Girls Clubs of America.

9 “(5) The Young Men’s Christian Association.

10 “(6) The Young Women’s Christian Associa-
 11 tion.

12 “(7) The Civil Air Patrol.

13 “(8) The United States Olympic Committee.

14 “(9) The Special Olympics.

15 “(10) The Campfire Boys.

16 “(11) The Campfire Girls.

17 “(12) The 4-H Club.

18 “(13) The Police Athletic League.

19 “(14) Any other youth or charitable organiza-
 20 tion designated by the Secretary of Defense.”.

21 (b) CLERICAL AMENDMENT.—The table of sections
 22 at the beginning of such chapter is amended by adding
 23 at the end the following:

“508. Assistance for certain youth and charitable organizations.”.

1 **SEC. 1064. DEFENSE MAPPING AGENCY.**

2 (a) UNAUTHORIZED USE OF NAME.—Chapter 167 of
3 title 10, United States Code, is amended by adding at the
4 end the following new section:

5 **“§ 2798. Unauthorized use of Defense Mapping Agen-**
6 **cy name, initials, or seal**

7 “(a) No person may, except with the written permis-
8 sion of the Secretary of Defense, knowingly use the words
9 ‘Defense Mapping Agency’, the initials ‘DMA’, the seal of
10 the Defense Mapping Agency, or any colorable imitation
11 of such words, initials, or seal in connection with any mer-
12 chandise, retail product, impersonation, solicitation or
13 commercial activity in a manner reasonably calculated to
14 convey the impression that such use is approved, endorsed,
15 or authorized by the Secretary of Defense.

16 “(b) Whenever it appears to the Attorney General
17 that any person is engaged or about to engage in an act
18 or practice which constitutes or will constitute conduct
19 prohibited by subsection (a), the Attorney General may
20 initiate a civil proceeding in a district court of the United
21 States to enjoin such act or practice. Such court shall pro-
22 ceed as soon as practicable to hearing and determination
23 of such action and may, at any time before such final de-
24 termination, enter such restraining orders or prohibitions,
25 or take such other action as is warranted, to prevent in-

1 jury to the United States or to any person or class of per-
 2 sons for whose protection the action is brought.”.

3 (b) LIMITATION ON LIABILITY RELATING TO NAVI-
 4 GATIONAL AIDS.—Chapter 167 of such title, as amended
 5 by subsection (a), is further amended by adding at the
 6 end the following new section:

7 **“§ 2799. Civil actions barred**

8 “(a) CLAIMS BARRED.—No civil action may be
 9 brought against the United States on the basis of the con-
 10 tent of a navigational aid prepared or disseminated by the
 11 Defense Mapping Agency.

12 “(b) NAVIGATIONAL AIDS COVERED.—Subsection (a)
 13 applies with respect to a navigational aid in the form of
 14 a map, a chart, or a publication and any other form or
 15 medium of product or information in which the Defense
 16 Mapping Agency prepares or disseminates navigational
 17 aids.”.

18 (c) CLERICAL AMENDMENT.—The table of sections
 19 at the beginning of such chapter is amended by adding
 20 at the end the following new item:

“2798. Unauthorized use of Defense Mapping Agency name, initials, or seal.
 “2799. Civil actions barred.”.

21 (d) EFFECTIVE DATE.—Section 2799 of title 10,
 22 United States Code, as added by subsection (b), shall take
 23 effect on the date of the enactment of this Act and shall
 24 apply with respect to (1) civil actions brought before such

1 date that are pending adjudication on such date, and (2)
2 civil actions brought on or after such date.

3 **SEC. 1065. TRANSFER OF NAVAL VESSELS TO BRAZIL.**

4 (a) **AUTHORITY.**—The Secretary of the Navy is au-
5 thorized to transfer to the Government of Brazil the
6 “KNOX” class frigates, MILLER (FF 1091) and
7 VALDEZ (FF 1096). Such transfers shall be on a lease
8 basis under chapter 6 of the Arms Export Control Act
9 (22 U.S.C. 2796 et seq.).

10 (b) **WAIVER OF REQUIREMENTS FOR NOTIFICATION**
11 **TO CONGRESS.**—Section 62 of the Arms Export Control
12 Act does not apply with respect to a lease authorized by
13 subsection (a), except that section 62 of such Act shall
14 apply to any renewal of the lease.

15 (c) **COSTS OF TRANSFERS.**—Any expense of the
16 United States in connection with a transfer authorized by
17 subsection (a) shall be charged to the Government of
18 Brazil.

19 (d) **EXPIRATION OF AUTHORITY.**—The authority
20 granted by subsection (a) shall expire at the end of the
21 2-year period beginning on the date of the enactment of
22 this Act, except that leases entered into during that period
23 may be renewed.

1 **SEC. 1066. TRANSFERS OF M1A1 TANKS TO THE MARINE**
2 **CORPS.**

3 (a) **TRANSFER REQUIRED.**—Subject to subsection
4 (b), as M1A1 tanks of the Army become excess to the re-
5 quirements of the active component of the Army, the Sec-
6 retary of the Army shall transfer to the Marine Corps as
7 many of such tanks as are necessary to satisfy the require-
8 ments of the Marine Corps for tanks, as determined by
9 the Secretary of Defense.

10 (b) **TRANSFER LIMITS.**—The Secretary shall transfer
11 under subsection (a) not less than 84 M1A1 common
12 tanks and not more than 124 such tanks.

13 (c) **EXCLUSION OF CERTAIN TRANSFERS.**—If any of
14 the tanks transferred under subsection (a) are transferred
15 to the Marine Corps Reserve, the number of tanks not
16 in excess of 48 that are so transferred shall not be counted
17 for purposes of subsection (b).

18 (d) **LIMITATION ON TRANSFERS TO ARMY NATIONAL**
19 **GUARD.**—After the date of the enactment of this Act, the
20 Secretary of the Army may not transfer any additional
21 M1A1 tanks to the Army National Guard until the re-
22 quirements of the Marine Corps referred to in subsection
23 (a) are satisfied within the limits provided in subsection
24 (b).

25 (e) **TREATMENT OF CERTAIN TRANSFERRED TANKS**
26 **UNDER LIMITATIONS.**—The transfer of a tank under sec-

tion 112 shall not be counted for purposes of subsection (a), (b), (c), or (d).

SEC. 1067. LIMITATION REGARDING MERGER OF TELECOMMUNICATIONS SYSTEMS.

(a) LIMITATION.—Funds available to the Department of Defense may not be expended to merge defense telecommunications systems with the telecommunications system known as “FTS-2000” or with any other civil telecommunications system until—

(1) the Secretary of Defense submits to the congressional defense committees a report containing—

(A) a certification by the Secretary that the merged telecommunications systems, including the associated services, will provide assured, secure telecommunications support for Department of Defense activities; and

(B) a description of how the merger of the systems will be implemented and the merged systems will be managed to meet defense information infrastructure requirements, including requirements to support deployed forces and intelligence activities; and

(2) 30 days elapse after the date on which such report is received by the committees.

1 (b) DEFENSE TELECOMMUNICATIONS ACTIVITY DE-
 2 FINED.—In this section, the term “defense telecommuni-
 3 cations system” means a system of telecommunications
 4 equipment and services that, pursuant to section 2315 of
 5 title 10, United States Code, is exempt from the require-
 6 ments of section 111 of the Federal Property and Admin-
 7 istrative Services Act of 1949.

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Calendar No. 478

103D CONGRESS
2D SESSION

S. 2208

A BILL

To authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

JUNE 20 (legislative day, JUNE 7), 1994

Placed on the calendar